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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10387

SPECIFICATION OF LAWS FROM WHICH CERTAIN FUNCTIONS AUTHORIZED BY THE MUTUAL SECURITY ACT OF 1951, AS AMENDED, SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by the said Mutual Security Act of 1951, as amended (including the performance of functions authorized by the Act for International Development, as amended, the Institute of Inter-American Affairs Act, as amended, and the Mutual Defense Assistance Act of 1949, as amended), without regard to the laws specified in the lettered subdivisions of sections 1, 2, and 3 of this order will further the purposes of the said Mutual Security Act of 1951, as amended.

SECTION 1. With respect to functions authorized by section 503 (b) of the Mutual Security Act of 1951, as amended (22 U. S. C. 1654 (b)), the Act for International Development, as amended (22 U. S. C. 1557 *et seq.*), and the Institute of Inter-American Affairs Act, as amended (22 U. S. C. 281 *et seq.*):

(a) The act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U. S. C. 616a).

(b) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529).

(c) Section 305 of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 396 (41 U. S. C. 255).

(d) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5).

(e) Section 3710 of the Revised Statutes (41 U. S. C. 8).

(f) Section 2 of the act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U. S. C. 10a).

(g) Section 3735 of the Revised Statutes (41 U. S. C. 13).

(h) Section 901 of the act of June 29, 1936, c. 858, 49 Stat. 2015 (46 U. S. C. 1241).

SEC. 2. With respect to purchases authorized to be made outside the continental limits of the United States under the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571 *et seq.*), sections 503 (b) and 506 of the Mutual Security Act of 1951, as amended, the Act for International Development, as amended, and the Institute of Inter-American Affairs Act, as amended:

(a) Section 10 (l) of the act of July 2, 1926, c. 721, 44 Stat. 787, as amended (10 U. S. C. 310 (l)).

(b) Section 4 (c) of the act of February 19, 1948 (the Armed Services Procurement Act of 1947), c. 65, 62 Stat. 23, as amended, 65 Stat. 700 (41 U. S. C. 153 (c)).

(c) Section 304 (c) of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 395, as amended, 65 Stat. 700 (41 U. S. C. 254 (c)).

(d) Section 1301 of the act of March 27, 1942 (the Second War Powers Act, 1942), c. 199, 56 Stat. 185 (50 U. S. C. App. 643).

SEC. 3. With respect to functions performed in Burma and Indonesia under the Act for International Development, as amended:

(a) Section 5 (c) (2) of the act of July 16, 1914, c. 141, 38 Stat. 508, as amended, 60 Stat. 810 (5 U. S. C. 78 (c) (2)).

This order supersedes Executive Order No. 9943 of April 9, 1948, 13 F. R. 1975, entitled "Providing for Carrying out the Foreign Assistance Act of 1948".

HARRY S. TRUMAN

THE WHITE HOUSE,
August 25, 1952.

[F. R. Doc. 52-9464; Filed, Aug. 26, 1952; 8:59 p. m.]

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EXECUTIVE AGENCIES

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Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.1]

PART 341—APPROVAL AUTHORITY

Part 341, Title 6, Code of Federal Regulations (13 F. R. 9419), is revised to read as follows:

Sec.
341.1 General policy.
341.2 Authorization to State Directors.
341.3 Authorization to redelegate loan approval authority.
341.4 Limitations relative to redelegation of authority.

AUTHORITY: §§ 341.1 to 341.4 issued under sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interpret or apply sec. 21, 60 Stat. 1072, 65 Stat. 197; 7 U. S. C. 1007.

§ 341.1 *General policy.* In so far as feasible, consistent with sound program administration, Production and Subsistence loans will be approved in the field by State Field Representatives and County Supervisors, provided the exercise of such authority conforms to prescribed loan making policies. Therefore, subject to the limitations contained herein, State Directors will redelegate loan approval authority to State Field Representatives and County Supervisors and will provide the necessary instructions with respect to the exercise thereof. Loans which for policy reasons cannot be approved by the State Director will be submitted to the Administrator for approval.

§ 341.2 *Authority to State Directors.* Subject to the applicable policies and provisions contained in Parts 341–345 of this chapter, State Directors are hereby authorized to approve Production and Subsistence loans to eligible applicants: *Provided:*

(a) No Production and Subsistence loan may be made in excess of $7,000.

(b) Production and Subsistence loans totaling more than $7,000 may not be approved within any 120-day period.

(c) No Production and Subsistence loan may be made that will result in a borrower becoming indebted in excess of $10,000 for Production and Subsistence loans. This maximum limit will include principal and interest and other charges paid by the Government in connection with any such loan and charged to the account of the borrower.

(d) No Production and Subsistence loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all of his indebtedness under such loans has been paid in full. The seven year period will begin to run from the date of the check representing the oldest loan received during the period for which the borrower has been continuously indebted even though that loan may have been paid in full.

(e) Production and Subsistence loans to applicants whose debts have been settled pursuant to Part 364 of this chapter as reflected by the County Office records, or where such a settlement is contemplated, may not be approved without concurrence of the National Office.

(f) The aggregate amount of Production and Subsistence loans made in connection with any one joint owner group service will not exceed $10,000.

(g) No Production and Subsistence loan may be made to an applicant who is still indebted on November 1, 1953, for Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration, or Wartime Civilian Control Administration loans for production type purposes, made prior to November 1, 1946, until all indebtedness under such loans has been paid in full. In such cases any Production and Subsistence loan must also be paid in full before further loans may be approved. Rural Rehabilitation loan as used herein includes advances from State Rural Rehabilitation Corporation funds before November 1, 1946, but does not include farm development loans made from Rural Rehabilitation or State Rural Rehabilitation Corporation Trust funds.

§ 341.3 *Authorization to redelegate loan approval authority.* State Directors are hereby authorized to redelegate to State Field Representatives and County Supervisors in charge of County Offices, all or any part of their authority to approve Production and Subsistence loans subject to their review, Provided that:

(a) County Supervisors may not be authorized to approve:

(1) Loans which will result in a total principal indebtedness for Production and Subsistence loans in excess of $5,000.

(2) Annual loans as authorized under § 342.7 of this chapter in excess of $1,000.

(3) Production and Subsistence loans (initial or subsequent) made in connection with the making of a Farm Ownership or Farm Housing loan.

(4) Loans involving repayment schedules in excess of five years, except that County Supervisors may be authorized to approve loans involving schedules not in excess of five years and six months when the principal income from the fifth year's operations will not be received in time to make the final payment within five years from the date of the loan check.

(5) Loans involving the deferment of payments pursuant to authority contained in § 342.4 (d) of this chapter.

(6) Loans to borrowers who are indebted for Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration, or Wartime Civilian Control Administration loans for production type purposes, made prior to November 1, 1946, or who have been indebted continuously for Production and Subsistence loans for five years or longer.

(b) State Field Representatives may not be authorized to approve:

(1) Loans involving the deferment of payments pursuant to authority contained in § 342.4 (d) of this chapter.

(2) Loans to borrowers who have been continuously indebted for Production and Subsistence loans for five years or longer.

(c) State Directors will reserve the right to revoke any of the authority redelegated under this § 341.3.

§ 341.4 *Limitations relative to redelegation of authority.* Each State Director will determine the loan approval authority to be redelegated to State Field Representatives and County Supervisors with respect to the amounts and any other limitations applicable to the State as a whole, and will issue State Instructions redelegating such authority on a position basis.

(a) State Directors may restrict or revoke the exercise of redelegated loan approval authority to individual State Field Representatives and County Supervisors by means of individual "policy letters." Restrictions and limitations on redelegated loan approval authority are permitted to assist in the development and maintenance of a sound Farmers Home Administration program.

[SEAL] DILLARD B. LASSETER,
Administrator.

AUGUST 5, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9394; Filed, Aug. 26, 1952; 8:48 a. m.]

[FHA Instruction 441.2]

PART 342—POLICIES

Part 342, Title 6, Code of Federal Regulations (13 F. R. 9419, 14 F. R. 4507, 15 F. R. 1583), is revised to read as follows:

Sec.
342.1 General.
342.2 Selection of applicants.
342.3 Use of loan funds.
342.4 Terms of loans.
342.5 Security policies.
342.6 Loan limitations and requirements.
342.7 Making annual loans.

AUTHORITY: §§ 342.1 to 342.7 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 21, 60 Stat. 1072, 65 Stat. 197; 7 U. S. C. 1007. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 342.1 *General.* (a) Title II of the Bankhead-Jones Farm Tenant Act, as amended, authorizes the making of Production and Subsistence loans to eligible farmers and stockmen for financing farm and home needs. The objective of this loan program through the extension of credit and supervision is to enable such farmers and stockmen to become established successfully in a sound, well balanced system of farming in order to make full and efficient use of their land and labor resources.

(b) Production and Subsistence loans authorized under this program are for the purpose of assisting eligible applicants (1) whose primary needs are credit and guidance in making the adjustments and improvements necessary for successful farm and home operations on family type farms, (2) who have or can acquire with the assistance provided by the Farmers Home Administration the necessary land and labor resources for making such adjustments and improvements, (3) who have or through proper guidance can develop the abilities needed to carry out successful family type farm and home operations, and (4) who have reasonable prospects of repaying their loans within the scheduled period and of operating within a reasonable period without further assistance from the Farmers Home Administration.

(c) Except as provided in § 342.7, each Production and Subsistence loan will be based on a long-time and annual farm and home plan developed jointly by the applicant and the County Supervisor.

(d) Preference will be given to eligible veteran applicants in making Production and Subsistence loans. However, there is no difference in the eligibility and loan requirements for veterans and non-veterans.

§ 342.2 *Selection of applicants*—(a) *Qualifications.* Before a Production and Subsistence loan is made, the applicant must meet the following qualifications:

(1) He must be a citizen of the United States.

(2) He must possess legal capacity to contract for the loan.

(3) He must have had farm experience or training sufficient to indicate reasonable prospects of conducting successful family type farming operations. He may be an individual who for special reasons may not have farmed during the past few years but whose background and normal means of livelihood in the past have been farming.

(4) He is operating a family type farm or, with the assistance available under this program, will operate such a farm after the loan is made.

(5) He is unable to obtain sufficient credit to finance his actual needs at rates (but not exceeding the rate of five percentum per annum) and terms prevailing in or near his community for loans of similar size and character.

(6) After his loan is made, he will derive the major portion of his income from farming or stock raising and will spend the major portion of his time in carrying on his farming or stock raising operations. Under this policy, applicants who will be seasonally employed off the farm during the early years of their loans may qualify for assistance. However, loans will not be made to those who will carry on types of farming which will require substantial income from other employment during the term of the loan or to those who will be regularly employed off the farm. Payments to veterans for pensionable disabilities and other veterans' benefits will not be considered as off-farm income under this requirement.

(7) He owns, or will have available under satisfactory tenure arrangements, a farm suitable for carrying on successful family type farming operations.

(8) There is evidence to indicate that he will endeavor honestly to carry out the undertakings and obligations required of him under his loan.

(b) *Certification by applicant.* Before an application for a Production and Subsistence loan is considered, the applicant must certify in writing on Form FHA-49, "Certifications—Production and Subsistence Loans," that he is a citizen of the United States and that sufficient credit to meet his actual needs for the designated crop year is not available to him at the rates (but not exceeding the rate of five percentum per annum) and terms for loans of similar size and character prevailing in or near the community where he resides. It will not be necessary for the applicant to submit written rejections from other credit sources except when required by the County Committee or loan approval official.

(c) *Certification by County Committee.* Before a Production and Subsistence loan is approved the County Committee must certify in writing on Form FHA-49 that the applicant is eligible to receive a loan or loans under the provisions of Title II of the Bankhead-Jones Farm Tenant Act, as amended; that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of five percentum per annum) and terms prevailing in or near the community in which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that, in the opinion of the Committee, the applicant will honestly endeavor to carry out the undertakings and obligations required of him. The certification will specify the maximum amount which may be loaned to the applicant within a designated crop year. However, if it is found, after the certification has been made, that additional credit will be needed or that another farm will be operated, it will be necessary for the County Committee again to certify the applicant as eligible.

(d) *Administrative determinations.* When an applicant has been certified as eligible for a Production and Subsistence loan by the County Committee in accordance with § 342.2 (c), the loan approval official will determine administratively whether the applicant meets the requirements prescribed in § 342.2 (a) and other requirements for a loan. It is the responsibility of the loan approval official to determine whether a sound loan has been developed in keeping with the objectives of title II of the Bankhead-Jones Farm Tenant Act, as amended, and, if it appears that such objectives cannot be accomplished, a loan will not be made.

(Sec. 44 (a) (2) and (3), 60 Stat. 1068; 7 U. S. C. 1018 (a) (2) and (3))

§ 342.3 *Use of loan funds.* (a) Production and Subsistence loans may be made for:

(1) Purchasing necessary livestock, farm equipment, farm equipment repairs, seed, fertilizer, feed, lime, insecticides, farm supplies, and other farm needs. These purposes do not include the purchase of passenger automobiles.

(2) Paying for necessary hired farm labor during peak seasons or periods of emergency and for necessary custom work or services.

(3) Paying cash rent where no other satisfactory rental arrangements can be effected, for not more than one year in advance, provided:

(i) The applicant is obligated under a written lease to pay in advance the amount to be loaned for such purpose.

(ii) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(4) Paying debts secured by liens on livestock or farm equipment, but not including household furnishings and equipment, when such action is necessary to enable the applicant to retain the property, or when a split line of credit is undersirable because of the difficulties in identifying security property and accounting for income, provided:

(i) The property involved is essential to the applicant's farming operations and is of the type and quality needed.

(ii) The amount refinanced does not exceed the County Supervisor's fair market value appraisal of the livestock and farming equipment serving as security for the debt being refinanced.

(iii) The loan is not made primarily for the purpose of exchanging creditors, extending the time for repayment, or obtaining a lower interest rate.

(5) Paying delinquent taxes on real and personal property essential to the applicant's farming operations when such action is necessary to preserve the property involved. However, Production and Subsistence loan funds will not be used to pay taxes, either current or delinquent, on Farm Ownership or Farm Housing farms.

(6) Paying premiums on insurance policies covering property serving as security for Farmers Home Administration loans, except that Production and Subsistence loan funds may not be used to pay the initial premium on insurance policies covering buildings on Farm Ownership or Farm Housing farms; however, such funds may be used to pay subsequent premiums on such policies if the applicant is unable to pay the premiums out of his own funds, and if a Production and Subsistence loan is being made at the time primarily for some other purpose.

(7) Purchasing essential home equipment and furnishings and home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(8) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources they must plan and carry on adequate food production and conservation programs. After the first year on the program, loans will not be made for the purchase of food that could have been produced feasibly on the farm.

(9) Erecting necessary farm buildings, making essential repairs and improvements to existing farm buildings, and purchasing equipment and paying other costs for establishing or improving a farm water supply, provided not more than $1,000 may be advanced to a borrower for any or all such purposes during any fiscal year.

(10) Purchasing fencing material.

(11) Establishing and improving pastures and hay crops, constructing terraces and waterways, land clearing and leveling, drainage, and paying for other approved soil conservation and improvement measures.

(12) The acquisition of memberships in farm purchasing and marketing and farm service type cooperative associations. However, loan funds will not be used to purchase memberships in production cooperatives or memberships for the purpose of establishing control by the Farmers Home Administration in any type of cooperative.

(b) The use of Production and Subsistence loan funds for the purposes authorized in § 342.3 (a), (9), (10), and (11) is subject to the following limitations:

(1) The authority to make Production and Subsistence loans for real estate improvements shall be exercised in such manner as to assure no duplication of the policies applicable to the making of farm development, farm housing and water facilities loans for a similar purpose. Before a Production and Subsistence loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and a determination made that such real estate improvements cannot be provided practicably through Farm Development, Farm Housing or Water Facilities loans; that the farm can be developed to the extent that a sound farm and home program can be established on the farm within the prescribed loan limitations, taking into consideration the applicant's need for additional operating credit during the period of development; and that the applicant will be able to repay his Production and Subsistence loans within the prescribed repayment period. If the analysis of the borrower's resources and the proposed farm and home operations discloses that this objective cannot be reached under this authority, Production and Subsistence loan funds will not be advanced.

(2) Generally, additional real estate improvements needed on the farm of a Farm Ownership or Farm Housing borrower should be obtained through a subsequent Farm Ownership or Farm Housing loan. However, where the development costs are small in relation to the real estate investment and can be provided under the policies set forth above, Production and Subsistence loan funds may be used for this purpose subject to the following:

(i) For a direct Farm Ownership borrower the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed the fair and reasonable value of the farm as certified by the County Committee.

(ii) For an insured Farm Ownership borrower the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed 90 percent of the fair and reasonable value of the farm as certified by the County Committee.

(iii) With respect to either a direct or insured Farm Ownership borrower, the loan approval official must determine from his knowledge of the farm or from information available in the County Office records that the fair and reasonable value of the farm with the contemplated improvements will not exceed the average value of efficient family type farm management units in the County in which the farm is located, as determined by the Secretary in connection with Farm Ownership farms.

(iv) For a Farm Housing borrower the unpaid balance on the Farm Housing loan and other loans secured by liens on the real estate, plus the Production and Subsistence loan funds advanced for real estate purposes, must not exceed the reasonable value of the farm as recommended by the County Committee.

(3) Production and Subsistence loan funds may not be used to finance real estate improvements which are included in the original farm development plan.

(4) Production and Subsistence loans may not be used in lieu of the authority to make Water Facilities loans in the seventeen western states, except that when Production and Subsistence loans are being made for other purposes, funds not in excess of $500 may be included for water facilities purposes.

(5) Production and Subsistence loans may not be made for these purposes to a tenant unless he has a written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on his investment. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease. In the case of an owner, it must be determined, before funds are advanced for these purposes, that he will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment. In cases involving tenant applications, the loan docket must contain positive evidence that the landlord, applicant and County Supervisor have thoroughly discussed and agreed to the proposed improvements.

§ 342.4 *Terms of loans.* (a) Interest will be charged at the rate of 5 percent per annum on all Production and Subsistence loans. Interest will accrue on outstanding principal only and will not be compounded.

(b) Repayments of principal on adjustment Production and Subsistence loans will be scheduled in accordance with the borrower's reasonable repayment ability, determined by an analysis of his farm and home operations as reflected in his long-time and annual farm and home plan. Except as provided in paragraph (d) of this section, principal repayments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12 months period thereafter. In no event will payments be scheduled later than 7 years from the date of the loan check.

(1) Advances for annual recurring expenses will be scheduled for repayment when the principal income from the year's operations normally would be received. Advances for such purposes as seeding permanent type legumes and grasses and for basic soil treatment are not considered annual recurring expenses and may be scheduled for repayment over a period consistent with the applicant's repayment ability but in no event longer than the expected life of the seeding or treatment.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products normally can be expected.

(3) Advances for purposes other than those enumerated in § 342.4 (b) (1) and (2) will be scheduled for repayment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the repayment schedule extend beyond the useful life of the security offered for the advance.

(c) Generally, an adjustment Production and Subsistence loan will be scheduled for repayment over a period not exceeding five years; however, repayments may be scheduled over a longer period, but not exceeding seven years, when it is evident that the applicant will not realize sufficient income from his proposed operations to retire the loan in an orderly manner within a shorter period. A repayment schedule up to seven years may be justified in situations such as the following:

(1) Dairy or beef cattle herds are being built up or improved and maximum production cannot be anticipated soon enough to permit full repayment of the loan within a five-year period.

(2) Substantial amounts are being advanced for pasture development, fencing and other land improvements and a longer repayment period is need for repaying advances for these purposes along with the advances for capital purchases.

(3) A major farm reorganization is planned and a relatively large investment is required in working capital.

(4) The investment in livestock or equipment required to maintain or expand the enterprise as an efficient family type operation exceptionally heavy and a repayment schedule longer than five years is necessary.

(d) The initial principal and interest payment on an adjustment Production and Subsistence loan may be deferred until the end of the second full crop year following the date of the loan when income sufficient to make the initial payment is not expected at an earlier date. Since repayments on such a loan may be extended, in justifiable cases, over a period not in excess of seven years and the amount scheduled for repayment each year may vary according to the repayment ability of the borrower, it is expected that the privilege of complete deferment of the initial payment will be used only rarely. A deferred payment may be justified in some cases when the loan is being scheduled over a period in excess of five years in situations referred to in paragraph (c) (2) and (3) of this section and there will not be sufficient farm income realized from the operations to make a payment at the end of the first full crop year.

(e) Annual Production and Subsistence loans authorized in § 342.7 will be scheduled for repayment when the principal income normally will be received. In no case may such a loan be scheduled for repayment over a period in excess of twelve months from the date of the loan check, except that a loan made to purchase or produce feed for livestock being fed for market, or to purchase or produce feed for productive livestock, may be scheduled for repayment over a period not exceeding eighteen months.

(Sec. 44 (b), 60 Stat. 1069, sec. 48, 60 Stat. 1070, sec. 4, 65 Stat. 198; 7 U. S. C. 1022)

§ 342.5 *Security policies.* (a) Each Production and Subsistence loan will be secured for the full amount of the loan by a first lien on all livestock and farm equipment purchased or refinanced with proceeds of the loan and by a lien on the crops growing or to be grown by the applicant, subject only to the landlord's interest in the crops for rent, except as follows:

(1) If a particular crop of the applicant is under lien as security for advances made by another creditor to produce the crop, or is to be financed wholly by another creditor, a lien will be taken on such crop subject to the lien of the other creditor, provided no advance will be made by the Farmers Home Administration in connection with such crop.

(2) Small farm tools and equipment purchased with loan funds that will have very little resale value after normal use for two or three years, will not be included in mortgages securing Production and Subsistence loans.

(b) Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock, other than those used for subsistence purposes, must be secured by first liens on such livestock.

(c) Loans will be further secured by the best lien obtainable on as much of the livestock and farm equipment of security value owned by the applicant at the time the loan is made as is necessary to protect the interest of the Government. Generally, the livestock and farm equipment owned by the applicant will not be used as security for loans made only for the production of cash crops, as authorized in § 342.7. Normally, loans for this purpose will be secured by crop liens only.

(d) Borrowers having insurance on cash crops from which repayments are expected, will be required to give written assignments of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained.

(e) When loans are made to finance dairy enterprises from which repayments are expected, assignments will be taken on the milk income to assist in obtaining regular repayments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. Assignments of proceeds from the sale of other agricultural products will be taken when necessary to protect the interests of the Government.

(f) In states in which the landlord acquires by statute a lien on crops or personal property for advances made for supplies, or supplies furnished, or for past-due rent, or if the landlord has acquired such interest by lease, mortgage lien, or contract, the landlord will be required to subordinate in favor of the Government any interest he now has or may acquire in the livestock, farm equipment, and crops of the applicant resulting from advances made for supplies, or for supplies furnished, or for past-due rent.

(g) Lien searches to determine that the Government will receive the required security will be made in all cases at the time or immediately before the security instrument is obtained.

(Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

§ 342.6 *Loan limitations and requirements.* The following loan requirements and limitations will be observed in making Production and Subsistence loans:

(a) The amount of each loan will be limited to the needs of the applicant and his ability to repay, provided:

(1) No Production and Subsistence loan may be made in excess of $7,000.

(2) No Production and Subsistence loans may be approved in excess of $7,000 within any 120-day period.

(3) No loan may be made that will result in a borrower becoming indebted in excess of $10,000 for Production and Subsistence loans. This maximum limit will include principal and interest and other charges paid by the Government in connection with any such loans and charged to the account of the borrower.

(b) No loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all of his indebtedness under such loans has been paid in full. When it is determined that a sound well-balanced system of farming cannot be worked out with an applicant so that he can attain the objective set forth in § 342.1 within a 7-year period, such application for assistance should be rejected.

(c) An applicant who is still indebted on November 1, 1953, for Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration or Wartime Civilian Control Administration loans for production type purposes made prior to November 1, 1946, will not be eligible to receive Production and Subsistence loans until all indebtedness under such old loans has been paid in full. In such cases, any Production and Subsistence loan also must be paid in full before the applicant is eligible for further loans. Rural Rehabilitation loan as used herein includes advances from State Rural Rehabilitation Corporation Trust funds before November 1, 1946, but does not include Farm Development loans made from Rural Rehabilitation and State Rural Rehabilitation Corporation Trust funds. This limitation is based upon a provision in the act. Present borrowers who have already been indebted for five consecutive years on these old loans will only be eligible to receive further loans for one additional crop year. Therefore, additional loans may be made to those present borrowers who are indebted for these old loans only when it can be reasonably determined that their farm and home operations can be placed on a sound basis and that further loans will not be needed under this program after November 1, 1953.

(d) Indebtedness on old production type loans described in paragraph (c) of this section made prior to November 1, 1946, is not taken into consideration when determining loan limits; however, plans for the orderly liquidation of such indebtedness must be included in the debt payment plans developed with each applicant. In addition, it must be determined that satisfactory plans have been developed with the applicant family for correcting the deficiencies in their operations which have resulted in their being indebted continuously over a period of more than five years.

(e) Production and Subsistence loans may not be made for the purchase of real estate or for making payments on real estate already purchased. Among other things, this precludes the making of Production and Subsistence loans for the purpose of making down payments on insured Farm Ownership loans or for replacing livestock and equipment sold primarily for the purpose of obtaining funds with which to make such down payments, and for refinancing debts incurred for that purpose.

(f) A joint loan may be made to husband and wife, mother and son, or father and son, living together as a family and operating jointly the same farm unit. No other joint loans may be made. However, separate loans may be made to eligible individuals who are engaged jointly in farming, provided that not more than two individuals are interested

in the operation; the security requirements contained in § 342.5 are met; the operations provide the equivalent of a family type operation for each applicant family; and the total of the loans to both individuals does not exceed the loan limitations for an individual. If a loan is made to only one such individual, it will be secured by a first lien on his interest in the crops and chattels and the other individual will be required to execute the mortgage with him so as to disclaim any interest in the security property offered by the applicant. If a loan is made to each of the two individuals, the security instruments for each will be executed by both, or a joint mortgage may be taken.

(g) Before Production and Subsistence loans are made, applicants will be required to make satisfactory arrangements for the use of sufficient land of the quality and condition necessary for carrying on the type of farming intended on a sound and practical basis. When loans are made to tenants the landlord must have knowledge of and agree to the long-time farm and home plan.

(h) Before a loan can be made to an applicant for whom debts have been settled pursuant to Part 364 of this chapter as reflected by the County Office records, or where a settlement under such part is contemplated, it must appear conclusively that the applicant's failure to repay his loan indebtedness was the result of circumstances beyond his control; the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations are now sound and afford him a better than reasonable prospect of repaying the loan and meeting his other obligations. Loans in such cases must be submitted to the National Office for review prior to approval.

§ 342.7 *Making annual loans.* In areas where farmers have suffered property damage or production losses because of natural calamities, and a need exists for emergency credit, generally such need will be met through the authority to make disaster loans under Part 381 of this chapter. However, if it is found that an applicant does not qualify for a disaster loan, but due to circumstances beyond his control, such as losses of property by fire or natural causes and severe illnesses resulting in the temporary loss of earning power or excessive demands on income, is in need of emergency credit and meets the requirements set forth in § 342.2 (a), an annual Production and Subsistence loan may be made provided the applicant is conducting sound farming operations of a satisfactory nature and does not need to make major adjustments in such operations, and it is not anticipated that similar loans will be needed in subsequent years.

(a) Before an annual loan is made, the loan approval official will determine that the loan can be repaid within a period not to exceed twelve months, except that loans to purchase or produce feed for livestock being fed for market or to purchase or produce feed for productive livestock, may be repaid as provided in § 342.4 (e), without jeopardizing the applicant's future operations; the amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs for the year; the applicant has made adequate provision for meeting all necessary farm and home expenses, either through the loan or other sources; and, the estimated income from which the loan will be paid is sufficient for that purpose and to provide a reasonably safe margin, taking into consideration production hazards and price fluctuations.

(b) The foregoing determinations will be based upon an analysis of the applicant's resources, farming experience and ability, debt repayment history, and proposed operations. Current and reliable information regarding the past record of the applicant, the quality of farming operations carried on by him and the productivity of the farm to be operated must be available as a basis for making this analysis. A visit to the farm before the loan is approved is required in order to obtain this information unless the County Supervisor can obtain it without going to the farm.

[SEAL] DILLARD B. LASSETER,
Administrator.

AUGUST 14, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9393; Filed, Aug. 26, 1952; 8:47 a. m.]

[FHA Instruction 441.3]

PART 343—PROCESSING

Part 343, Title 6, Code of Federal Regulations (14 F. R. 4971, 15 F. R. 1479, 7418, 17 F. R. 5416), is revised to read as follows:

Sec.
343.1 General.
343.2 Definitions.
343.3 Loan forms and routines.
343.4 Approval or rejection of loans.
343.5 Loan closing.
343.6 Revision in the use of loan funds.

AUTHORITY: §§ 343.1 to 343.6 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 343.1 to 343.6 contained in FHA Instruction 441.3.

§ 343.1 *General.* Sections 343.2 to 343.6 set forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Production and Subsistence loans.

§ 343.2 *Definitions.* (a) "Applicant" is any individual who applies for a Production and Subsistence loan, regardless of whether he has previously obtained or is presently indebted for a loan.

(b) "Initial adjustment loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is not indebted for a Production and Subsistence loan based upon such a plan or is not indebted for a Rural Rehabilitation loan.

(c) "Subsequent adjustment loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is indebted for a Production and Subsistence loan based upon such a plan or is indebted for a Rural Rehabilitation loan.

(d) "Annual loan" is a Production and Subsistence loan not based on a farm and home plan. The terms "initial" and "subsequent" are not used in connection with annual loans.

(Sec. 21 (a), 65 Stat. 197; 7 U. S. C. 1007)

§ 343.3 *Loan forms and routines.* (a) *Applications for loans.* Applications for Production and Subsistence loans will be made at the County Office and will be acted upon promptly.

(1) Applicants for initial adjustment loans will execute Form FHA–197, "Application for FHA Services," in an original only.

(2) Applicants for subsequent adjustment loans will not be required to execute Form FHA–197, but will be required to execute Form FHA–49, "Certifications-Production and Subsistence Loans," in accordance with paragraph (b) (1) of this section. Also, if current financial information is not available in the County Office records, table A of Form FHA–14, "Farm and Home Plan," will be completed in an original only for the use of the County Committee in determining the eligibility of the applicant.

(3) Applicants for annual loans will execute Form FHA–197 and Form FHA–197A, "Report on Application for Loan," in the originals only.

(b) *Form FHA–49, "Certifications—Production and Subsistence Loans."* (1) Part I, "Applicant Certification," on Form FHA–49 will be executed by each applicant at the time the application for assistance for the crop year is made. However, if the County Committee has previously certified the applicant as eligible for loan assistance for a designated crop year, it will not be necessary for the applicant to execute another certification on Form FHA–49 in connection with loan assistance to be extended within the maximum amount established and the period covered by the Committee certification.

(2) When the applicant is determined to be eligible, the County Committee will execute Part II, "County Committee Certification," on Form FHA–49 before the loan is approved. This certification will cover any loan(s) to be made to the applicant during the crop year specified, within the maximum amount of credit established by the County Committee.

(3) When the applicant is determined to be ineligible by the County Committee, the County Supervisor will notify the applicant of the County Committee action and the reasons therefor.

(4) County Committee actions regarding the eligibility of applicants will be taken in committee meetings attended by at least two members.

(c) *Form FHA–14A, "Long-time Farm and Home Plan."* Form FHA–14A will be prepared in connection with adjustment type loans and the original thereof will be retained by the applicant.

(d) *Form FHA–14, "Farm and Home Plan."* In making adjustment loans, a Farm and Home Plan encompassing the applicant's operations and credit needs

for the planned crop year will be developed. The applicant will be provided a copy of the Farm and Home Plan either in the record book or on Form FHA–14.

(e) *Tenure agreement.* A copy of the lease agreement between tenant applicants and their landlords or a statement containing the terms and conditions of the agreement, whether written or oral, will be obtained. When applicants are acquiring their farms under purchase contracts or subject to mortgages, a copy of such contract or mortgage, or a statement containing the terms and conditions thereof, will likewise be obtained.

(f) *Form FHA–31, "Promissory Note."* Form FHA–31 will be prepared to show the full amount of each loan and the scheduled repayments thereon which will be in multiples of $5. Not more than four repayments on a single note will be scheduled for any year. The time limitations for repayment schedules prescribed in § 342.4 of this chapter run from the date of the loan check instead of the date of the note. Form FHA–31 will be dated as of the date of execution by the applicant, and the original only will be executed. The applicant's spouse will be required to execute Form FHA–31 when legally required by State law, or the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director on a state basis that the spouse's signature will be required. A copy of Form FHA–31 will be given to the applicant.

(1) The following requirements will be met in establishing repayment schedules:

(i) Payments will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12-month period thereafter. In no event will payments be scheduled later than 7 years from the date of the loan check.

(ii) When the initial payment is to be deferred pursuant to the authority contained in § 342.4 (d) of this chapter, the first payment will be scheduled to fall due when the principal income from the second full crop year normally would be expected and payments will be scheduled at least annually thereafter except that the date of the last installment may not extend beyond 7 years from the date of the loan check. If a loan is made during a crop year and sufficient time remains in that year for the applicant to realize substantial benefits from the year's operations, the crop year during which the loan was made will be considered as the first full crop year. Otherwise, the crop year immediately following that during which the loan was made will be considered as the first full crop year. The amount of the initial installment will be based upon the applicant's anticipated ability to pay by the end of the second full crop year following the date of the loan check, taking into consideration the fact that the interest which has accrued during the period of deferment will fall due concurrently with the initial installment.

(iii) The amount of each installment must be based upon the repayment ability of the borrower and in every case must be more than a mere nominal or token payment.

(g) *Form FHA–5, "Loan Voucher."* The applicant will be required to execute Form FHA–5 for the amount of each loan.

(h) *Immediate and future loans.* All of an applicant's anticipated credit needs for the crop year will be planned for when Form FHA–14 or Form FHA–197A is developed. The loan documents may provide for the loan funds to be disbursed in an immediate loan, or an immediate loan and one or more future loans, or one or more future loans without an immediate loan. However, all of such loans must be disbursed at least 30 days apart and not later than the end of the fiscal year in which they were approved. If it is not practical for all the loans to be disbursed by the end of the fiscal year, additional loans may be approved after the beginning of the succeeding fiscal year to meet the remainder of the applicant's credit needs for the designated crop year.

(i) *Form FHA–87, "Report of Lien Search."* Form FHA–87 or other form providing substantially the same information will be obtained. Generally, the applicant will be required to obtain the lien search report from the sources selected by him and to pay the cost thereof out of his own funds or out of loan funds. However, in a given county if the cost of lien searcher is exorbitant, or if such service is not available, the State Director may authorize the employees of the County Office to perform this service without cost to applicants.

(j) *Form FHA–30, "Crop and Chattel Mortgage."* The original (and one copy if it is to be filed rather than recorded) will be executed by the applicant, and will be acknowledged or witnessed as required by State law. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA–31 in paragraph (f) of this section.

(k) *Form FHA–32, "Subordination Agreement."* When required by paragraph (f) of § 342.5 of this chapter, the applicant will obtain from the landlord a subordination agreement on Form FHA–32. Such form will be prepared in a sufficient number of copies to provide one to each party executing the agreement. Form FHA–32 is not required when Form FHA–81, "Standard Farm Lease," containing a subordination agreement, is used.

(l) *Form FHA–80, "Assignment of Proceeds From the Sale of Agricultural Products."* Form FHA–80, or other form approved by the State Director and the representative of the Office of the Solicitor, will be used to obtain an assignment of proceeds from the sale of farm, dairy, or other agricultural products. Form FHA–80, or other form, will be prepared in an original and two copies and signed by the applicant and the purchaser. One copy will be given to the purchaser, and one copy will be be given to the applicant.

(Sec. 21 (a), (c), 65 Stat. 197, sec. 42 (c), 60 Stat. 1067, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198, sec. 1, 63 Stat. 407; 7 U. S. C. 1007, 1016, 1018, 1022; 31 U. S. C. 712a)

§ 343.4 *Approval or rejection of loans.* (a) If the loan is approved, the loan approval official will sign Form FHA–5 and will prescribe any special conditions of approval or special security requirements.

(b) If a loan is rejected, the loan approval official will notify the applicant of the rejection with the return of the original of Form FHA–31 and any executed security instruments.

(Sec. 21, 65 Stat. 197, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198; 7 U. S. C. 1007, 1018, 1022)

§ 343.5 *Loan closing*—(a) *Check delivery.* Only properly bonded employees of the Farmers Home Administration will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly, indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Lien search reports.* At the time or immediately before the security instrument is obtained in accordance with paragraph (d) of this section, a report of lien search must be obtained showing that the security requirements can be met.

(c) *Security documents.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans, including mortgages and similar lien instruments (when the holder of a mortgage or other lien is required to execute the instrument), affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law).

(d) *Obtaining security for Production and Subsistence loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to arrange for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank

account, the intial mortgage to secure the loan will be taken at the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken under the requirements of subparagraph (1) or (2) of this paragraph, a part of the property which is to serve as security for the loan is yet to be purchased, a first lien will be taken on such property at the time it is purchased unless such a lien is acquired under "Future Advance" or "After Acquired Property" clauses in the mortgage.

(e) *Executing and recording or filing.* Crop and chattel mortgages must be delivered to the recording office for recordation or filing, whichever is appropriate, as soon as such instruments are executed and delivered to the Farmers Home Administration, provided, however, that in those cases in which lien instruments are taken before delivery of the loan checks, they will be delivered to the recording official for filing or recording at the time of the delivery of the loan checks.

(f) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA-385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed and given to the borrower. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as a credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(Sec. 21 (a), 65 Stat. 197, sec. 44 (b), (c), 60 Stat. 1069; 7 U. S. C. 1007, 1018)

§ 343.6 *Revision in the use of loan funds.* (a) In all instances, the use made of loan funds must be in accord with the purposes for which Production and Subsistence loans may be made. However, changes may be made in the use of loan funds within such authorized purposes, provided the borrower and the County Supervisor agree to the changes.

(b) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA-31. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 342.4 of this chapter. Appropriate changes with respect to the repayments will be made in table K of Form FHA-14 or table H of Form FHA-197A and initialed by the borrower.

(Sec. 21 (a), 65 Stat. 197, sec. 44 (a), (b), 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198; 7 U. S. C. 1007, 1018, 1022)

[SEAL] DILLARD B. LASSETER, *Administrator.*

AUGUST 5, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9392; Filed, Aug. 26, 1952; 8:47 a. m.]

[FHA Instruction 442.1]

PART 351—APPROVAL AUTHORITY

Part 351, Title 6, Code of Federal Regulations, (13 F. R. 9425, 16 F. R. 5861), is revised to read as follows:

Sec.
351.1 Authorization to State Directors.
351.2 Authorization to State Directors to redelegate loan approval authority.

AUTHORITY: §§ 351.1 and 351.2 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v.

§ 351.1 *Authorization to State Directors.* (a) State Directors are authorized to close Water Facilities loans requiring the approval of the Administrator, subject to all of the conditions contained in loan approval letters and documents issued by the Administrator.

(b) Loans in excess of the amounts and authority specified in this section will be submitted to the Administrator for approval.

(c) State Directors are authorized to approve Water Facilities loans subject to applicable loan making policies and to the following limitations:

(1) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one individual in excess of $12,000.

(2) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one incorporated borrower in excess of $50,000.

(3) The aggregate of loans made to all individuals in connection with any one water facilities group service will not exceed $20,000.

(d) Water Facilities loan applications of former borrowers for whom a debt settlement action has been approved, or of present borrowers for whom a debt settlement action is pending or is contemplated, will be referred to the National Office for approval.

§ 351.2 *Authorization to State Directors to redelegate loan approval authority.* (a) State Directors are authorized to redelegate to State Field Representatives all or any part of their authority to approve Water Facilities loans, except that State Field Representatives may not be authorized to approve:

(1) Loans to incorporated applicants.

(2) Loans made for the purpose of, or loans including funds for, acquiring memberships or water stock in, or paying assessments to, a water association.

(3) Loans to establish a water facilities group service.

(b) State Directors are authorized to redelegate to County Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except that County Supervisors may not be authorized to approve:

(1) Loans for irrigation purposes.

(2) Any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness in excess of $1,500.

(3) Loans to establish a water facilities group service.

[SEAL] DILLARD B. LASSETER, *Administrator.*

AUGUST 14, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9391; Filed, Aug. 26, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 928—MILK IN THE NEOSHO VALLEY MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum

prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1952. Any delay beyond September 1, 1952 in the effective date of this order amending the order will seriously disrupt the orderly marketing of milk for the Neosho Valley marketing area. The changes effected by this order amending the order do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective September 1, 1952 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Neosho Valley marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 928.51 (a) change the period at the end of the sentence to a colon and add "*And provided further*, That for the months of September 1952, through January 1953, the amount to be added to the basic formula price shall be $1.85 in lieu of $1.45."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9426; Filed, Aug. 26, 1952; 8:53 a. m.]

[Peach Order 1, Amdt. 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 25, 1952.

Shipments of peaches grown in Mesa County, Colorado, are currently subject to regulation by grades and sizes in accordance with the provisions of Peach Order 1 (§ 940.304; 17 F. R. 7383) and will continue to be so regulated, unless such order is amended, until 12:01 a. m., m. s. t., October 16, 1952; information showing that such order should be amended, in order to effectuate the declared policy of the act, prior to the shipping season of Elberta peaches grown in Mesa County, Colorado, was received by the Department on August 22, 1952; shipments of such peaches are expected to begin on or about August 25, 1952; the aforesaid information was submitted by the Administrative Committee following its meeting on August 21, 1952, with growers and handlers of peaches; such meeting was called to discuss necessary changes in the current regulation and was held pursuant to notice, mailed on August 19, 1952, to all peach growers and handlers of record; the provisions of this amendment are identical to those recommended at the aforesaid meeting; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed prior to the effective time hereof.

b. It is therefore ordered as follows: The provisions of paragraph (b) (1) (ii) of § 940.304 (Peach Order 1; 17 F. R. 7383) are hereby amended to read as follows:

(ii) Any peaches which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 70 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of August 1952 to become effective at 12:01 a. m., m. s. t., August 25, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9423; Filed, Aug. 26, 1952; 8:52 a. m.]

PART 950—PEACHES GROWN IN UTAH

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL YEAR

Notice was published in the August 2, 1952, daily issue of the FEDERAL REGISTER (17 F. R. 7095) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1952–53 fiscal year under the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.202 *Expenses and rate of assessment for the 1952–53 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable

such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1952, will amount to $6,000.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one and one-half cents ($0.015) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all peaches shipped during the 1952–53 fiscal year; (2) such shipments are subject to the regulatory provisions of Peach Order 1 (7 CFR 950.302; 17 F. R. 6809); (3) the provisions hereof do not impose any obligation on a handler until such handler ships peaches; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

As used herein, the terms "handler," "ships," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9422; Filed, Aug. 26, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-176]

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS AIR TRANSPORTATION

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its certificate is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their certificated name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 203, 291, 292, 296, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that the carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202) effective September 23, 1952, by adding thereto a new § 202.8 to read as follows:

§ 202.8 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by each certificate issued pursuant to section 401 of the act authorizing an air carrier to engage in interstate or overseas air transportation, that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate of public convenience and necessity is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily indentifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the certificated name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9412; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-177]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its certificate is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their certificated name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 291, 292, 296, 297 and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of the two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that the carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203) effective September 23, 1952, by adding thereto a new § 203.9 to read as follows:

§ 203.9 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by each certificate issued pursuant to section 401 of the act authorizing an air carrier to engage in foreign air transportation, that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate of public convenience and necessity is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the certificated name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9413; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-178]

PART 291—CLASSIFICATION AND CONTINUED EXEMPTION OF LARGE IRREGULAR AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 292, 296, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 291 of the Economic Regulations (14 CFR Part 291) effective September 23, 1952, by adding thereto a new § 291.28 to read as follows:

§ 291.28 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by this part and the letters of registration issued hereunder that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as provided under paragraph (b) of this section, an air carrier may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9414; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-179]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase

in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This had had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 296, 297 and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that a certificated carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 292 of the Economic Regulations (14 CFR Part 292) effective September 23, 1952, by adding thereto a new § 292.9 to read as follows:

§ 292.9 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority of all air carriers governed by this part that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate or letter of registration is then issued and outstanding (Alaskan carriers holding neither certificates of public convenience and necessity nor letters of registration shall use the name set forth in their air carrier operating certificates), including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of its official name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9415; Filed, Aug. 26, 1952; 8:50 a. m.]

[Reg., Serial No. ER-180]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective, of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 292, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective September 23, 1952, by renumbering §§ 296.16, 296.17 and 296.18 of Part 296 to be §§ 296.17, 296.18 and 296.19, respectively, and by adding to Part 296 a new section designated as § 296.16, reading as follows:

§ 296.16 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder, that the air freight forwarder concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air freight forwarder may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air freight forwarder may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names it not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the air freight forwarder concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9416; Filed, Aug. 26, 1952; 8:50 a. m.]

[Regs., Serial No. ER-181]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act, to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 292, 296 and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should be also noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name

different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297) effective September 23, 1952, by adding thereto a new § 297.14 to read as follows:

§ 297.14 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder that the international air freight forwarder concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an international air freight forwarder may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An international air freight forwarder may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the international air freight forwarder concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9417; Filed, Aug. 26, 1952; 8:50 a. m.]

[Regs., Serial No. ER-182]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 292, 296, and 297 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective September 23, 1952, by adding thereto a new § 298.10 to read as follows:

§ 298.10 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by this part that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its air carrier operating certificate is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its air carrier operating certificate is issued and outstanding in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9418; Filed, Aug. 26, 1952; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 80]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1295 is added to read:

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vinyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vinyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps danger areas.

2. Section 601.1296 is added to read:

§ 601.1296 *Control area extension (Nantucket, Mass.).* All that area within 5 miles either side of a direct line extending from the Nantucket VHF VAR radio range station to the Martha's Vinyard Airport.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 23, 1952.

[SEAL] C. F. HORNE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 52-9432; Filed, Aug. 26, 1952; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NEW DRUGS

Section 1.108 *New drugs; definition* is renumbered as § 1.109.

Section 1.109 *New drugs; exemption from section 505 of the act* is renumbered § 1.109a.

Dated: August 21, 1952.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 52-9419; Filed, Aug. 26, 1952; 8:51 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

HIGHWAY PLANNING AND RESEARCH PROJECTS

Section 1.13 of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, published and effective January 16, 1951, is hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item thereof. Subject to the approval and project agreement procedure provided for construction projects, not to exceed 1½ percent of the amount apportioned for any year to each State for expenditure on the Federal-aid primary highway system, the Federal-aid secondary highway system, and the Federal-aid primary highway system in urban areas, respectively, shall be used for highway planning and research projects, and the funds programed for such purposes may be pooled and administered as a single fund for the financing of the various items of work. Pending the submission and approval of the final detailed program, 1½ percent of the amount apportioned for any year to each State for expenditure on each of said Federal-aid systems shall be programed for highway planning and research projects.

(Sec. 18, 42 Stat. 216; 23 U. S. C. 19. Reorg. Plan 7 of 1949; 14 F. R. 5228, 63 Stat. 1070; 3 CFR, 1949 Supp., p. 140, 5 U. S. C. Sup., 133a-15 note. Interpret or apply sec. 8, 58 Stat. 842; 23 U. S. C. 61)

Recommended:

THOMAS H. MACDONALD, *Commissioner of Public Roads.*

Issued:

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 52-9405; Filed, Aug. 26, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Interpretation 56]

GENERAL CEILING PRICE REGULATION

INT. 56—PROPER CATEGORY FOR TIRES (SECTIONS 4 AND 5)

The question has arisen as to how tire manufacturers determine their ceiling prices under section 4 of the GCPR for new second line, low pressure passenger tires. Specifically, the question involves the determination of the category within which second line, low-pressure tires fall.

Section 4 defines "category" as a "group of commodities which are normally classed together in your industry for purposes of production, accounting or sales." The preponderance of available factual material, coupled with the recommendation of the Tire and Tube Manufacturers' Industry Advisory Committee, impels the conclusion that the proper category for such tires is "all replacement passenger car tires."

Consideration was given to the propriety of a category of broader scope, such as "all passenger tires and tubes", as well as to categories of narrower scope, based upon pressures, or price lines, or sizes. Industry practices, however, as shown by production records, accounting groupings, and sales policies, clearly do not justify breaking down the category of all replacement passenger car tires into several categories based on pressures or sizes alone.

Wholesalers and retailers establishing ceiling prices for these new, second line, low pressure tires under section 5 of the GCPR must use "all replacement passenger car tires" as the proper category in accordance with the above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

AUGUST 26, 1952.

[F. R. Doc. 52-9503; Filed, Aug. 26, 1952; 11:55 a. m.]

[General Ceiling Price Regulation, Interpretation 57]

GENERAL CEILING PRICE REGULATION

INT. 57—"MOST NEARLY LIKE" COMMODITY IN RELATION TO TIRES (SECTIONS 4 AND 5)

Interpretation 56 to the GCPR specifies that new, second-line, low pressure, passenger car tires fall within the category of "all replacement passenger car tires."

Having so determined the proper category, a manufacturer, in computing his ceiling prices for such new tire must eliminate from consideration as the proper comparison commodity all base period replacement passenger car tires which have the same or higher current unit direct costs than the particular new tire. Then from among the remaining base period replacement passenger car tires with lower current unit direct costs than the new tire, he must choose the one "most nearly like" the new tire.

To determine the "most nearly like" tire, a further process of elimination must be followed. Consideration should first be given to industry subgroupings, such as ply number, and price lines. Thus if the tire being priced is a 4 ply tire, the manufacturer should limit his consideration to 4 ply tires. Furthermore, if in addition to being 4 ply, the new tire is a second line tire, then to select the "most nearly like" tire, consideration should be confined to second line, 4 ply tires. Where there is more than one tire with lower current unit direct costs within the same subgroupings of plies and price lines as the new tire, but none is the same size tire as the new tire, then the "most nearly like" tire is that tire within both subgroupings which the new tire most nearly "replaces." For example, the second-line, 4 ply, low pressure 6.70–15 tire replaces the second line, 4 ply, standard pressure 6.00–16 tire in the sense that cars such as Ford, Chevrolet, and Plymouth which formerly used the 6.00–16 size now use the 6.70–15 size. Therefore where the second line, 4 ply, standard pressure 6.00–16 tire has a current unit direct cost which is lower than the current unit direct cost of the new 6.70–15 tire, it (the 6.00–16 tire) is the proper comparison commodity for the new, second line, 4 ply, low pressure 6.70–15 tire.

Wholesalers and retailers in establishing their ceiling prices for new second line low pressure tires must follow the same steps as outlined in the two paragraphs above for manufacturers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 26, 1952.

[F. R. Doc. 52-9504; Filed, Aug. 26, 1952; 11:55 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 11, Revised]

INT. 11—NEW PLANTS (ARTICLE VIII OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED)

The purpose of this revision of Interpretation 11 is to provide for the substitution of appropriate section references in General Salary Stabilization Regulation 1, Amended, for the superseded provisions of previous general salary stabilization regulations and orders. The revision has been restricted to such substitutions and no changes in substance have been made in either the questions or answers of the interpretation.

1. Q. A corporation during 1951 was engaged in the manufacture of passenger cars and automotive parts. In the last part of 1951 it obtained contracts for the manufacture of automotive and aviation military equipment, and early in 1952 began using a substantial part of its plant and equipment for the manufacture of such military equipment. With very few exceptions, the same personnel was retained and very little new machinery was necessary in order to accomplish the partial shift to the manufacture of the new product. Has a new plant been established within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended?

A. No. The shift in the product manufactured does not constitute the establishment of a new plant or the conversion of an existing plant into a new plant within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended. There has been no substantial change in personnel or in the equipment or machinery of the plant. Any new positions which are necessary because of a partial shift in products would be established pursuant to section 63 of General Salary Stabilization Regulation 1, Amended.

2. Q. A corporation on February 15, 1951, began to manufacture a product not previously manufactured by it. For this purpose it converted one of its existing plants and installed a large quantity of new machinery. The manufacture of the new product required the hiring of new personnel for a considerable number of key positions. Does the converted plant constitute a new plant within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended?

A. Yes. On January 25, 1951, the converted plant had not commenced the manufacture of the new product and there was a substantial shift to new kinds of machinery and production processes which had not been employed previously. Therefore, the operation of the converted plant required employment of a different type of personnel and the establishment of a different salary structure from that previously in effect in the plant.

For example, if a manufacturer of glass bottles were to convert some of his plant facilities to the manufacture of metal containers, the portion of the plant which is engaged in the manufacture of such metal containers would constitute a new plant.

3. Q. How are the salaries of persons employed in a plant converted to a new product, which constitutes a new plant, determined?

A. The salaries of such employees must be determined in accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended.

4. Q. X, the president of a corporation, forms a general partnership with Y, one of his employees, on April 1, 1951, as a separate business to distribute a line of merchandise not heretofore handled by the corporation. Certain of the employees of the corporation became employees of the partnership. How are their salaries to be determined?

A. In accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended. Since the new partnership was not on January 25, 1951, engaged in the business for which it was formed, it is a new plant.

5. Q. A, B, and C formed a partnership in December 1950 for the purpose of rendering services as engineering consultants. They did not have any clients until March 1951 and did not hire any employees until that time. Under which salary stabilization regulation must the salaries of their employees be determined?

A. Section 82 of General Salary Stabilization Regulation 1, Amended. Although the partnership was formed prior to January 25, 1951, it had not commenced to render services until after that date and, therefore, constitutes a new plant under section 81.

6. Q. Assume that, prior to January 25, 1951, the partnership referred to in question 5 had hired several employees subject to the jurisdiction of the Wage Stabilization Board and rendered services to clients before January 25, 1951. Subsequent to January 25, 1951, employees subject to the jurisdiction of the Salary Stabilization Board are hired. How are the salaries of these employees determined?

A. In accordance with section 63 of General Salary Stabilization Regulation 1, Amended. In this case the partnership had commenced operations before January 25, 1951, and is not a new plant under section 81 of General Salary Stabilization Regulation 1, Amended. To the extent that in this situation the setting of salaries for employees requires the establishment of a salary plan, an application may be required to be filed under section 71 (a) of General Salary Stabilization Regulation 1, Amended.

7. Q. A, B, and C form a corporation for the manufacture of a particular product. The corporation establishes salaries for A, B, and C as officers and for all other employees in accordance with the criteria for the determination of such salaries contained in section 82 of General Salary Stabilization Regulation 1, Amended. The corporation wishes to include a profit sharing bonus plan as part of the compensation to be

paid to its employees. May this be done under section 82 of General Salary Stabilization Regulation 1, Amended?

A. Not without prior approval. Section 82 of General Salary Stabilization Regulation 1, Amended, permits the employer to establish schedules of salary rates for employees in a new plant which may be put into effect, in accordance with the provisions of section 83, 20 days after filing with the Office of Salary Stabilization unless disapproved within that period. Other compensation for employees in a new plant may be paid only upon actual prior approval of the Office of Salary Stabilization in accordance with the provisions of section 84 of General Salary Stabilization Regulation 1, Amended, and may not be put into effect under the provisions of section 83. However, for purposes of section 83, schedules of salary rates may include commission rates for sales employees covered by General Salary Stabilization Regulation 5.

8. Q. A new corporation was formed in October 1951 and the salaries of its employees were determined in accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended. May such employees receive any of the ten percent increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended?

A. No. "New plants" are always plants which have come into existence since January 25, 1951. Therefore, it is presumed that the salary Schedule of a new plant, being based on current rates in the local labor market, always takes into account the ten percent increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended.

9. Q. On June 1, 1951, an employer filed with the Office of Salary Stabilization a schedule of salary rates for a new plant, which he put into effect after three weeks in accordance with the provisions of section 83 (b) of General Salary Stabilization Regulation 1, Amended. May the employer thereafter disregard the schedule filed by him and file a substitute schedule of salary rates which he may put into effect, in accordance with the conditions of section 83 (b), three weeks after the date of filing with the Office of Salary Stabilization, if the Office has failed to act in the interim?

A. No. Since the employer filed a schedule of salary rates which has gone into effect under section 83, he is bound by such schedule and may not modify it except in accordance with applicable salary stabilization regulations or orders or with the prior approval of the Office of Salary Stabilization.

10. Q. A survey made by an employer who commenced operations in March 1951, indicates that the salaries currently paid by him in accordance with salary schedules originally established and approved under sections 82 and 83 of General Salary Stabilization Regulation 1, Amended, are below the salary levels of other employers in the same industry or area. What kind of relief is available to the employer?

A. The employer may apply for relief under section 42 of General Salary Stabilization Regulation 1, Amended, if he can show that an interplant inequity has been created since he established his salary schedules in March 1951.

11. Q. An employer opened a new plant on January 1, 1952, and three weeks after the date of filing his schedule of salary rates under section 83 of General Salary Stabilization Regulation 1, Amended, put the schedule into effect. Upon review by the Office of Salary Stabilization the schedule of salary rates was disapproved in part. Is the employer required to reduce his salary rates to the approved level?

A. Yes. Salary rates put into effect pursuant to sections 82 and 83 of General Salary Stabilization Regulation 1, Amended, are subject to disapproval and any employer putting into effect salary rates under sections 82 and 83 without the specific approval of the Office of Salary Stabilization must advise his employees that such salary rates are interim rates which are subject to approval and adjustment by the Office of Salary Stabilization for all payroll periods subsequent to the date of the employer's receipt of the ruling of partial disapproval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization August 21, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9493; Filed, Aug. 26, 1952; 10:29 a. m.]

[General Salary Stabilization Regulation 5, Amdt. 1]

GSSR 5—COMPENSATION OF SALES EMPLOYEES

ADJUSTMENTS IN COMMISSION EARNINGS AND COMMISSION RATES

STATEMENT OF CONSIDERATIONS

The experience of the Office of Salary Stabilization in administering General Salary Stabilization Regulation 5 has shown that adjustments authorized for sales employees compensated in whole or in part on a commission basis do not take adequately into account the special problems of such employees who have received no increase in their earnings since January 25, 1951. The Salary Stabilization Board has determined that such employees should be permitted to receive the benefit of general increases authorized for employees compensated on a straight salary basis, in a manner adapted to the commission form of compensation. This amendment permits appropriate adjustments for employees compensated through commissions on a basis paralleling that for adjustments authorized for employees compensated by salaries.

Under certain circumstances it may be necessary to adjust commission rates and this amendment also makes provision for applications to adjust commission rates.

In addition, the amendment provides that adjustments in the compensation paid driver salesmen shall be made pursuant to General Wage Regulation 20, thereby continuing in effect the regulatory provisions applicable prior to July 1, 1952. These employees who have been transferred to the jurisdiction of the Wage Stabilization Board (16 F. R. 12916), were again placed under the jurisdiction of the Salary Stabilization Board by section 403 (c) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1952.

In the formulation of this regulation due consideration has been given to the standards and procedures set forth in Titles IV and VII of the Defense Production Act, as amended; there has been consultation with industry and sales representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 1 of General Salary Stabilization Regulation 5 is amended to read as follows:

SECTION 1. *Scope of this regulation.* This regulation applies to employees subject to the jurisdiction of the Salary Stabilization Board (a) who are employed in the capacity of "outside salesmen" as that term is defined in regulations under section 13 (a) of the Fair Labor Standards Act, as amended, or (b) who receive compensation in the form of commissions on sales or business transactions as distinguished from bonuses within the scope of General Salary Stabilization Regulation 2. All such employees are referred to in this regulation as "sales employees."

2. Section 5 (a) of General Salary Stabilization Regulation 5 is amended to read as follows:

SEC. 5. *Sales employees compensated on a straight commission basis.* (a) Variations in earnings of individual sales employees resulting from the normal operation of a plan or practice in effect on January 25, 1951, for the payment of commissions on sales or other business transactions are permissible, provided that such earnings shall not be increased as the result of a change, subsequent to January 25, 1951, in the commission rate or in the method or formula for the computation of such commissions not previously approved by the Office of Salary Stabilization.

3. General Salary Stabilization Regulation 5 is amended by deleting section 9 thereof and adding the following sections:

SEC. 9. *Adjustments of commission earnings.* (a) Notwithstanding any other provision of this regulation, an employer may, during the calendar year 1952, make adjustments in the compensation paid to employees compensated in whole or in part on a commission basis in an amount up to, but not exceeding, fifteen (15) percent of the aggregate commission payments made to all such employees during the calendar year 1950. Proportionate adjustments may be made for increases and shall be made for decreases in the number of employees compensated in whole or in part on a commission basis.

(b) The employer may distribute the adjustments in compensation authorized under paragraph (a) of this section in his discretion among such of his employees as are compensated in whole or in part on a commission basis. Such distribution may be based on sales or other measures of performance.

(c) Such adjustments shall be made as supplemental payments at such times as the employer may determine.

(d) In no event shall the adjustment authorized in this section be made through an increase in any commission rate.

SEC. 10. *Adjustments in the salaries and other compensation of driver salesmen.* (a) Notwithstanding any other provision of this regulation, adjustments in the salaries and other compensation of driver salesmen, as such term is used in section 541.505 of the Explanatory Bulletin, issued by the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, to Regulations Part 541, shall be made in accordance with the provisions of General Wage Regulation 20 as presently in effect.

(b) Any application for approval of adjustments in salaries and other compensation of such driver salesmen required to be filed pursuant to General Wage Regulation 20 shall be filed with the Office of Salary Stabilization.

(c) Any employer granting adjustments in salaries or other compensation to such employees pursuant to this section shall comply with the applicable record keeping requirements of section 101 of General Salary Stabilization Regulation 1, Amended.

SEC. 11. *Applications for adjustments in certain commission rates and other compensation.* The Office of Salary Stabilization is authorized to approve applications for:

(a) Changes in commission rates of employees, compensated in whole or in part on a commission basis, *Provided*, That such changes conform to industry or area practice and are otherwise found by the Office of Salary Stabilization not to be unstabilizing;

(b) Adjustments in expense allowances or compensation to reflect an actual increase in the cost of the expense items required to be paid by sales employees;

(c) Adjustments to correct hardships or inequities in accordance with the purposes of this regulation.

SEC. 12. *Increases in commission rates not to justify price increases.* Adjustments in commission rates approved by the Office of Salary Stabilization shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase, or to resist otherwise justifiable reductions in, price ceilings.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board on July 22, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 19, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9492; Filed, Aug. 26, 1952; 10:29 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following parts are amended as follows:

PART 4—ORDERS, CONTRACTS, AND BONDS

In § 4.5 *Employees interested in mail contracts* strike out paragraph (b), and add a Note to paragraph (a) to read as follows:

NOTE: See § 94.6 of this chapter as to authority of certain postmasters and employees to enter into contracts for mail messenger service.

(R. S. 131, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 39 Stat. 418; 43 Stat. 356; 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

PART 25—GENERAL PROVISIONS RELATING TO POST OFFICES

Amend § 25.7 *Holidays* to read as follows:

§ 25.7 *Holidays*—(a) *Days designated as.* See Executive Order No. 10358, dated June 9, 1952 (17 F. R. 5269) for holidays designated by the President, and see 5 U. S. C. 87, 87a, 87b, and 39 U. S. C. 119 for statutory provisions with respect to holidays.

(b) *Service on.* On the holidays specified in Executive Order No. 10358 dated June 9, 1952, post offices shall render window service such length of time as may be necessary to meet the reasonable postal requirements of the public. Mails shall be made up and dispatched on such holidays as on other week days.

(R. S. 131, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

In § 35.13 *Nonmailable articles and compositions* make the following changes:

Amend paragraph (a) by inserting before the undesignated paragraph reading "All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.", a new undesignated paragraph to read:

The transmission in the mails of poisons for scientific use, and which are not outwardly dangerous or of their own force dangerous or injurious to life, health, or property, may be limited by the Postmaster General to shipments of such articles between the manufacturers thereof, dealers therein, bona fide research or experimental scientific laboratories, and such other persons who are employees of the Federal, a State, or local government, whose official duties are comprised, in whole or in part, of the use of such poisons, and who are designated by the head of the agency in which they are employed to receive or send such articles, under such rules and regulations as the Postmaster General shall prescribe.

PART 92—TRANSPORTATION OF MAILS BY RAILROADS

Amend § 92.13 *Proof of performance of service* to read as follows:

§ 92.13 *Proof of performance of service.* Railroad companies carrying the mails shall submit, under the signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence as to the performance of service. (Sec. 5, 39 Stat. 428, as amended; 39 U. S. C. 556)

PART 94—MAIL-MESSENGER SERVICE

In § 94.6 *Contracting for mail messenger service at third- and fourth-class offices* make the following changes:

1. Amend the headnote to § 94.6 to read: *Authority of certain postmasters and employees to contract for mail messenger service.*

2. Amend paragraph (a) to read as follows:

(a) *Limitation of pay.* In the discretion of the Postmaster General, postmasters, assistant postmasters, clerks, and rural carriers at post offices of the third and fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service: *Provided*, That the Postmaster General shall determine that the performance of such contracts will not interfere with the regular duties of such employees or with the operations of the postal service. The total amount payable under such contract to any postmaster, assistant postmaster, clerk, or rural carrier shall not exceed $900 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (Sec. 1, 39 Stat. 418, as amended; 39 U. S. C. 579)

3. Amend that part of paragraph (b) preceding the Note to read as follows:

(b) *Members of immediate families may contract.* Members of the immediate families of postmasters, assistant postmasters, clerks, and rural carriers at third- and fourth-class post offices may, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service provided the total amount paid under such contract shall not exceed $900 in any one fiscal year.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 39 Stat. 418; 43 Stat. 356; 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

PART 96—AIR MAIL SERVICE

Amend § 96.12 *Evidence of performance to be submitted by air carriers* to read as follows:

§ 96.12 *Evidence of performance to be submitted by air carriers.* Air carriers transporting or handling United States Mail shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the amount of such mails transported or handled, and the compensation payable and received therefor. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

a. Amend § 97.15 *Proposals to be accompanied with bond* by striking out in the last sentence the words "oath of the bidder, taken before an officer qualified to administer oaths," and by inserting in lieu thereof the words "signed statement of the bidder".

b. Amend § 97.16 *Sureties on bonds of bidders* to read as follows:

§97.16 *Sureties on bonds of bidders.* Before the bond of a bidder (for carrying the mail) is approved, there shall be indorsed thereon the signed statements of the sureties therein that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgements, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster General, and answered by the sureties showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, and in what county and State the record evidence of their title exists. If any surety shall knowingly and willfully submit a false statement under the provisions of this section he shall on conviction thereof, be punished as is provided by section 1001 of title 18, United States Code. (R. S. 3946, as amended; 39 U. S. C. 427)

c. Amend § 97.21 *Record of proposals* to read as follows:

§ 97.21 *Record of proposals.* The Postmaster General shall have recorded in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals until disposed of as provided by law. The reports of the arrivals and departures of the mails on mail routes made and sent by postmasters to the Post Office Department, on which no fines or deductions from the pay of contractors for carrying the mails have been based, and the certificates taken by carriers on mail routes may be disposed of as provided by law when no longer needed in conducting current business. (R. S. 3948, as amended; 39 U. S. C. 428)

PART 125—MISCELLANEOUS

Amend § 125.4 *Vessels to deliver letters at post offices before entry* to read as follows:

§ 125.4 *Vessels to deliver letters at post offices before entry.* No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, except where waybilled for discharge at other ports in the United States at which the vessel is scheduled to call and the Postmaster General does not determine that unreasonable delay in the mails will occur, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ----------, of the ----------, arriving from ----------, and now lying in the port of ----------, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ---------- every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control, except where waybilled for discharge at other ports in the United States at which the said vessel is scheduled to call and which the Postmaster General has not determined will be unreasonably delayed by remaining on board the said vessel for delivery at such ports.

And any master or other person having charge or control of such vessel who shall break bulk before he has arranged for such delivery or onward carriage shall be fined not more than $100. (62 Stat. 777, as amended; 18 U. S. C. 1699)

PART 137—FIELD SERVICE

In § 137.28 *Interest of employees in postal contracts prohibited,* strike out paragraph (b) and add a note to paragraph (a) to read as follows:

NOTE: See § 94.6 of this chapter as to authority of certain postmasters and employees to enter into contracts for mail messenger service.

(R. S. 161, 396; sec. 1, 39 Stat. 418, 43 Stat. 356, secs. 304, 309, 42 Stat. 24, 25, 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9386; Filed, Aug. 26, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 12, Amateur Radio Service, by changing the wording of § 12.91 (b) and adding a new section to the Appendix.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 20th day of August 1952;

The Commission having under consideration the matter of amendment of Part 12, Amateur Radio Service, to conform with the terms of a treaty concluded between the United States and the Dominion of Canada, which became effective May 15, 1952, and which permits the operation by citizens of either country of certain radio equipment or stations (including amateur radio stations) in the other country;

It appearing, that existing provisions of § 12.91 (b) require all amateur radio stations, when operated outside the continental limits of the United States, its territories or possessions, to be operated only in the amateur frequency band 28.0 to 29.7 Mc; whereas, under the terms of the afore-mentioned treaty operation of United States amateurs, while in the Dominion of Canada, will not be restricted to that frequency band;

It further appearing, that it is desirable to set forth in the appendix of Part 12 so much of the text of the aforementioned treaty as relates to the operation of amateur radio stations;

It further appearing, that this amendment is necessary to conform with the provisions of a treaty to which the United States is a party and notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that the amendment would relieve a restriction and, hence, under the provisions of section 4 (c) of the same act it may be made effective immediately;

It is ordered, Under authority contained in sections 4 (i) and 303 (c) and (r) of the Communications Act of 1934, as amended, that Part 12 be and it hereby is amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: August 21, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 12.91 (b) to read as follows:

§ 12.91 *Requirements for portable and mobile operation.* * * *

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc except that within areas under the jurisdiction of a foreign government, operation is controlled by the laws of that government and the terms of any applicable treaty. (See Appendix 4 for such treaties or agreements as are in force and the pertinent terms thereof.) Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer-in-Charge of the radio inspec-

tion district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

2. Amend the Appendix to Part 12 by adding the following:

APPENDIX 4

Convention Between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country (Effective May 15, 1952)

ARTICLE III

It is agreed that persons holding appropriate amateur licenses issued by either country may operate their amateur stations in the territory of the other country under the following conditions:

(a) Each visiting amateur may be required to register and receive a permit before operating any amateur station licensed by his government.

(b) The visiting amateur will identify his station by:

(1) *Radiotelegraph operation.* The amateur call sign issued to him by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

(2) *Radiotelephone operation.* The amateur call sign in English issued to him by the licensing country followed by the words, "fixed," "portable" or "mobile", as appropriate, and the amateur call sign prefix and call area number of the country he is visiting.

(c) Each amateur station shall indicate at least once during each contact with another station its geographical location as nearly as possible by city and state or city and province.

(d) In other respects the amateur station shall be operated in accordance with the laws and regulations of the country in which the station is temporarily located.

[F. R. Doc. 52-9408; Filed, Aug. 26, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 906]

[Docket No. AO-210-A2]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma, on July 29-31, 1952, pursuant to notice thereof which was issued on July 9, 1952 (17 F. R. 6275).

The material issues of record related to proposals with respect to:

1. The amounts of the differentials to be added to the basic formula price of the order in determining prices for Class I milk, and a "supply-demand" adjustment of Class I milk prices;
2. Enlargement of the marketing area;
3. The allocation of certain receipts of other source milk in periods of short supply;
4. Location adjustments to handlers;
5. Classification of aerated products containing milk or cream;
6. The period to be used in determining bases for producers; and
7. The existence of an emergency.

The notice of hearing contained proposals that milk be priced on the basis of 3.5 per cent butterfat rather than 4.0 per cent, and that the maximum rate of assessment for administrative purposes be reduced. No testimony was offered at the hearing in support of such proposals.

Following the hearing both the producers and handlers represented at the hearing requested that immediate consideration be given and a decision arrived at with respect that portion of issue No. 1 related to the amount of the Class I differential for the months of September through December 1952, and with respect to issue No. 6. In their requests they waived the right to file written exceptions to a decision on these issues. This decision is concerned with these issues only. The remaining issues, including those related to the pricing of Class I milk for months after December 1952, will be decided in a further decision.

Findings and conclusions. 1. For the months of September through December 1952, the differential to be added to the basic formula price of the order in determining the price for Class I milk should be increased by 40 cents.

There is in prospect an acute shortage of milk supply for the Tulsa market during the coming months of September through December 1952. Milk sales in this market are expanding at a rapid rate at a time when severe drought conditions during recent months have brought about a critical situation for milk producers.

Sales of Class I milk in the months of May and June 1952 were approximately 11 per cent more than for the corresponding months of 1951. For July Class I sales were more than 20 per cent greater than for the corresponding month a year earlier.

The area in which milk is produced for the Tulsa market has been seriously affected by the drought conditions prevailing this summer. The drought, accompanied by sustained periods of excessive temperatures, has brought about a failure of pastures and has seriously reduced hay and forage crops upon which milk producers rely for feeding their herds. The Tulsa production area normally produces more hay and silage crops than is needed for feed in the area. Many milk producers, however, do not produce enough of such feeds for their own use and depend upon purchases from neighboring farmers. While there was a fairly good yield of hay from the first cutting of alfalfa in the area, demands from other areas also affected by drought caused this supply of hay to disappear rapidly at high prices. Yields from latter cuttings of alfalfa will be very low. Lespedeza, which is used by many milk producers for both hay and pasture, is reported to be a complete failure. Milk producers are now paying $4 to $5 per ton for corn silage standing in the field for which they normally pay $1 to $2, and there is little available. Hay prices have risen to $40 to $50 per ton for alfalfa hay and $25.00 per ton for prairie hay, and supplies are not available at these prices.

The Tulsa market required considerable amounts of supplemental milk during the past fall and winter season. While total milk production for the market in May was slightly over 6 percent and that for June almost 3 percent higher than a year earlier, these increases were considerably less than the corresponding increases in sales. For July milk receipts were 3 percent less than a year earlier in contrast to the 20 percent increase in sales noted above. Under normal production conditions the seasonal decreases in production and increases in sales that occur in the coming fall months would result in a shortage of milk under present supply conditions. With present prospects for milk production this shortage will be critical unless some price incentive is provided for dairymen to incur the costs necessary to continue milk production and avoid dispersal of producing herds. An increase of 40 cents per hundredweight in the price for Class I milk is the minimum which would appear to provide incentive to this end. This increase should be accomplished by providing that the Class I differential added to the basic formula price of the order be increased from $1.85 to $2.25 for the months of September through December 1952.

The record contained evidence on proposals for permanent changes in the provisions for pricing Class I milk without respect to present emergency conditions. Time for adequate consideration of such proposals will be afforded by making this action effective through December 1952.

2. The month of January should be added to the period for which the average deliveries by each producer establishes his base upon which payments are computed for milk delivered in the following months of April, May, and June; the minimum number of days used for such computation should continue to be ninety.

Under the present provisions of the order the total pounds of milk received from each producer during the months of September through December are di-

vided by the total number of days, not to be less than ninety, of such producer's delivery in these months. The resulting figures is the daily average base of the producer and is used in computing payments for milk he delivers in the following April, May, and June.

It was proposed that this period be extended from four to five months by the inclusion of the month of January. January is normally a month of relatively short production, so that its inclusion in the base-forming period would be appropriate. Proponents of the proposal claimed that there would be greater incentive for new producers to enter the market in the short production season if the deliveries of such producers in January could count toward the present 90 day minimum period required for a producer to receive a base equal to his average daily deliveries. Under the proposal a new producer could enter the market by approximately November 1 and get full credit for his average daily deliveries.

It is concluded that the proposal should be adopted as a means of additional encouragement for new producers to enter the market during the months of short production. There was no opposition to this proposal except the suggestion that its effective data be postponed for a year. Current supply conditions on the market lead to the conclusion that it should be made effective at once.

4. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the proposals here considered was indicated in statements filed by the interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 906.51 (a) change the period at the end of the sentence to a colon and add *"And provided further,* That for the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

months of September through December, 1952, the amount to be added to the basic formula price shall be $2.25 in lieu of $1.85."

2. Delete § 906.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

[F. R. Doc. 52-9425; Filed, Aug. 26, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Parts 1, 100]

PATENT AND TRADE-MARK CASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to patents and trade-marks. The amendments are proposed to be issued pursuant to the authority contained in title 35, U. S. C., sections 6, 116, 119, 121, 141, 145, 146, as enacted July 19, 1952, Public Law 593, chapter 950, 66 Stat. 792, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before October 15, 1952. An oral hearing is not scheduled.

The text of the proposed amendments follows:

1. Section 1.6 (Patent Rule 6) is proposed to be amended by cancelling paragraph (d) and by changing paragraph (c) to read as follows:

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the 14th and E Street entrance of the Patent Office on weekdays except Saturdays and holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

2. Section 1.7 (Patent Rule 7) is proposed to be amended by changing the second sentence to read: "When the day, or the last day, fixed by statute or by or under these rules for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday."

3. Section 1.21 (Patent Rule 21) is proposed to be amended by:

a. Adding the following line to Item 4:

For each claim in excess of twenty and also in excess of the number of claims in the original patent	1.00

b. Changing "15" to "25" in Item 7.

c. Changing ".50" to "1.00" in Item 9.

d. Changing ".50" to "1.00", both occurrances, in Item 14.

e. Adding new Item 31 reading as follows:

31. For certificate of correction of applicant's mistake	10.00

4. Section 1.41 (Patent Rule 41) is proposed to be amended to read as follows:

§ 1.41 *Applicant for patent.* (a) A patent must be applied for and the application papers must be signed and the necessary oath executed by the actual inventor in all cases, except as provided by §§ 1.42, 1.43, and 1.47. See § 1.147.

(b) Unless the contrary is indicated, the word "applicant" when used in this part refers to the inventor, joint inventors who have applied for a patent, or to the person mentioned in §§ 1.42, 1.43 or 1.47 who has applied for a patent in place of the inventor.

5. Section 1.43 (Patent Rule 43) is proposed to be amended to read as follows:

§ 1.43 *When the inventor is insane or legally incapacitated.* In case an inventor is insane or otherwise legally incapacitated, the legal representative of such inventor may sign the application papers and make the necessary oath, and apply for and obtain the patent.

6. Section 1.44 (Patent Rule 44) is proposed to be amended to read as follows:

§ 1.44 *Proof of authority.* In the cases mentioned in §§ 1.42 and 1.43, proof of the power or authority of the legal representative must be recorded in the Patent Office before the grant of a patent.

7. Section 1.45 (Patent Rule 45) is proposed to be amended by adding the following paragraph:

(c) If an application for patent has been made through error and without any deceptive intention by less than all the actual joint inventors, the application may be amended to include all the joint inventors upon filing a statement of the facts verified by, and an oath as required by § 1.65 executed by, all the actual joint inventors, provided the amendment is diligently made.

8. Section 1.46 (Patent Rule 46) is proposed to be amended to read as follows:

§ 1.46 *Assigned inventions and patents.* In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made by the inventor or one of the persons mentioned in §§ 1.42, 1.43 or 1.47.

9. Section 1.47 (Patent Rule 47) is proposed to be amended to read as follows:

§ 1.47 *Filing by other than inventor.* (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. Such application must be accompanied by proof of the pertinent facts and must state the last known address of the omitted inventor. The Patent Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The omitted inventor may subsequently join in the application. If the omitted inventor is available but refuses to join in the application after notice has been given, the Office may refuse a patent on said application. A patent may be granted to the inventor making the application, subject to the same rights which the omitted inventor would have had if he had been joined.

(b) Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for the inventor. Such application must be accompanied by proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest must be recorded in the Patent Office at the time of filing the application. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application. Should such notice be returned to the Office undelivered, or should the address of the inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The inventor may subsequently join in the application. If the inventor is available but refuses to join in the application after notice has been given, the Office may refuse a patent on said application; otherwise a patent may be granted to the inventor.

10. Section 1.55 (Patent Rule 55) is proposed to be amended by adding the following paragraph:

The benefit of the filing date of a prior application filed in a foreign country may be obtained under the conditions specified in 35 U. S. C. 119. The certified copy of the original foreign application specified in the second paragraph of 35 U. S. C. 119 must be filed within six months from the date of the first Office action or within the time specified in § 1.224. If there is no first Office action other than a notice of allowance the copy must be filed at the time or before the final fee is paid. If the papers filed are not in the English language they must be accompanied in all cases by a sworn translation or a translation certified as accurate by a sworn or official translator. In any case allowed prior to January 1, 1953, the required papers may be filed at any time prior to the issuance of the patent and the translation is not required.

11. Section 1.57 (Patent Rule 57) is proposed to be amended by substituting the following for the first sentence: "The application must be signed by the applicant in person. The signature to the oath will be accepted as the signature to the application provided the oath is attached to and refers to the petition,

specification and claim to which it applies."

12. Section 1.58 (Patent Rule 58) is proposed to be cancelled.

13. Section 1.61 (Patent Rule 61) is proposed to be amended by cancelling paragraph (c) and amending paragraph (a) to read as follows:

(a) The petition must be addressed to the Commissioner of Patents and request the grant of a patent. The residence, and post office address of the petitioner must appear in the petition if not stated elsewhere in the application. The petition need not be separately signed when part of and attached to the complete application papers, otherwise it must be signed by the petitioner.

14. Section 1.65 (Patent Rule 65) is proposed to be amended by cancelling paragraph (d) and amending paragraphs (a) and (b) to read as follows:

(a) The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than one year prior to his application, or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. If any application for patent has been filed in any foreign country by the applicant in this country, or by his legal representatives or assigns, prior to his application in this country, he shall state the country or countries in which such application has been filed, giving the date of such application, and shall also state that no application has been filed in any other country or countries than those mentioned. In the case of the first filed foreign application and each foreign application filed more than twelve months prior to the application in this country the day, month and year of filing must be given. If no application for patent has been filed in any foreign country, he shall so state. This oath must be subscribed to by the affiant.

(b) If the application is made as provided in §§ 1.42, 1.43 or 1.47, the oath shall state the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this rule to make oath to.

15. Section 1.66 (Patent Rule 66) is proposed to be amended by changing the first sentence to read as follows: "The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. Such oath or affirmation shall be valid as to execution if it complies with the laws of the state or country where made."

16. Section 1.76 (Patent Rule 76) is proposed to be amended to read as follows:

§ 1.76 *Signature to the specification.* The specification and claim need not be signed when part of and attached to the complete application papers, otherwise they must be signed by the inventor in person. See § 1.57.

17. Section 1.78 (Patent Rule 78) is proposed to be amended by substituting for the first sentence: "When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain a reference to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications if the benefit of the filing date of the prior application is claimed. Prior applications of the same applicant disclosing an invention claimed must be referred to in a separate paper if there is no reference in the application itself."

18. Section 1.82 (Patent Rule 82) is proposed to be amended to read as follows:

§ 1.82 *Signatures to drawing.* Signatures are not required on the drawing if it accompanies and is referred to in the other papers of the application, otherwise the drawing must be signed by the applicant in person.

19. Section 1.84 (Patent Rule 84) is proposed to be amended by cancelling the words "in pencil" in paragraph (l) and by changing paragraph (h) to read:

(h) The signature of the applicant, if the drawing is signed, must be placed completely below the lower marginal line on each sheet; in any event the name of the inventor must be legibly written or printed below the lower marginal line on each sheet.

20. Section 1.93 (Patent Rule 93) is proposed to be amended to read as follows:

§ 1.93 *Specimens.* When the invention relates to a composition of matter, the applicant may be required to furnish specimens of the composition, or of its ingredients or intermediates, for the purpose of inspection or experiment.

21. Section 1.141 (Patent Rule 141) is proposed to be amended by cancelling from the beginning of the section up to the word "more" and substituting: "Two or more independent and distinct inventions may not be claimed in one application, except that."

22. Section 1.142 (Patent Rule 142) is proposed to be amended by changing paragraph (a) to read as follows:

(a) If two or more independent and distinct inventions are claimed in a single application, the examiner in his action shall require the applicant in his response to that action to elect that invention to which his claims shall be restricted, this official action being called a requirement for division. If the divisibility of the inventions be clear, such requirement will be made before any action on the merits; however, it may be made at any time before final action in the case, at the discretion of the examiner.

23. Section 1.143 (Patent Rule 143) is proposed to be amended by cancelling paragraph (b) and adding the following sentence to the first paragraph: "The requirement for division will be reconsidered on such a request."

24. Section 1.144 (Patent Rule 144) is proposed to be amended to read as follows:

§ 1.144 *Petition from requirement for division.* After a final requirement for division the applicant, in addition to making any response due on the remainder of the action, pay petition to the Commissioner from the requirement. Petition may be deferred until after final action on or allowance of the claims to the invention elected. Petition may not be taken if reconsideration of the requirement was not requested. See § 1.181.

25. Section 1.145 (Patent Rule 145) is proposed to be amended by cancelling the last sentence.

26. Section 1.172 (Patent Rule 172) is proposed to be amended by changing the first paragraph to read as follows: "Reissue applications must be signed and sworn to by the inventors except as otherwise provided (see §§ 1.142, 1.143, and 1.147), and must be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent: *Provided, however,* That a reissue application may be made and sworn to by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.

27. Section 1.175 (Patent Rule 175) is proposed to be amended by changing paragraphs (b), (c), (d) and (e) to read as follows:

(b) When it is claimed that such patent is so inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(c) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

(d) Particularly specifying the errors relied upon, and how they arose or occurred.

(e) That said errors arose without any deceptive intention" on the part of the applicant.

28. Section 1.191 (Patent Rule 191) is proposed to be amended by cancelling "and every applicant who has been twice required to divide his application (§ 1.143)," in paragraph (a) and deleting "§§ 1.144 and" in paragraph (c).

29. Section 1.197 (Patent Rule 197) is proposed to be amended by cancelling paragraph (b) and adding the following two paragraphs as paragraphs (b) and (c).

(b) Any request or petition for rehearing or reconsideration must be filed within twenty days from the date of the decision.

(c) When an appeal is or stands dismissed, or when the time for appeal to the court or review by civil action (§ 1.303) has expired and no such appeal or civil action has been filed, proceedings in the application are considered terminated except in those applications in which claims stand allowed or in which the nature of the decision requires further action by the examiner. If an appeal to the court or a civil action has been filed, proceedings in the application are similarly considered terminated when the appeal or civil action is terminated.

30. Section 1.223 (Patent Rule 223) is proposed to be amended by changing the second sentence of paragraph (a) to read: "This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors, nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222."

31. Section 1.224 (Patent Rule 224) is proposed to be amended by changing the second sentence to read: "If an earlier filed application in the United States is set forth in the preliminary statement, said earlier filed application cannot be relied upon unless the case in interference contains or is amended to contain a specific reference to the earlier filed application: *Provided*, That such a specific reference is not essential in patents granted prior to January 1, 1953. If a prior foreign application is set forth in the preliminary statement, said foreign application cannot be relied upon unless the necessary papers to prove a date of priority under 35 U. S. C. 119, as specified in § 1.55, are filed within three months, or within such extension of time as may be granted, from the filing of the preliminary statement, if they have not previously been filed."

32. Section 1.226 (Patent Rule 226) is proposed to be amended by changing the second undesignated paragraph to read:

The notices will ordinarily specify the motion period (§ 1.231) and may also include an order to show cause (§ 1.225).

33. Section 1.233 (Patent Rule 233) is proposed to be amended by changing paragraph (b) to read:

(b) Such motions must, if possible, be made within the time set, but if a motion to dissolve the interference has been brought by another party, such motions may be made within thirty days from the filing of the motion to dissolve. In case of action by the primary examiner under § 1.237 (a), such motions may be made within thirty days from the date of the primary examiner's decision on motion wherein an action under § 1.237 (a) was incorporated or the date of the communication giving notice to the parties of the proposed dissolution of the interference.

34. Section 1.251 (Patent Rule 251) is proposed to be amended by changing paragraph (b) to read:

(b) The time for taking testimony will ordinarily be assigned in notices sent to the parties after motions under §§ 1.232 to 1.235 have been determined or, if no such motions have been filed, after the close of the motion period (§ 1.231). The date for final hearing will ordinarily be set in the same notices.

35. Section 1.256 (Patent Rule 256) is proposed to be amended by changing paragraph (c) to read:

(c) Petitions for rehearings or modification of the decision must be filed within twenty days from the date of the decision.

36. Section 1.263 (Patent Rule 263) is proposed to be amended to read as follows:

§ 1.263 *Statutory disclaimer by patentee.* The disclaimer referred to in §1.262, when made by a patentee in interference is not a disclaimer under 35 U. S. C. 253. If a disclaimer under the statute, see § 1.321, cancelling claims involved in the interference from the patent, is made by the patentee, including all assignees as shown by the records of the Patent Office, the interference will be dissolved pro forma as to such claims.

37. Section 1.302 (Patent Rule 302) is proposed to be amended by changing paragraph (a) to read as follows:

§ 1.302 *Notice and reasons of appeal.* (a) When an appeal is taken to the U. S. Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within the time specified in § 1.304, his reasons of appeal specifically set forth in writing.

38. A new § 1.304 (Patent Rule 304) is proposed, reading as follows:

§ 1.304 *Time for appeal or civil action.* (a) The time for filing the notice and reasons of appeal to the U. S. Court of Customs and Patent Appeals (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a petition for rehearing or reconsideration is filed within twenty days after the date of the decision of the Board of Appeals or Board of Patent Interferences, the time is extended to thirty days after action on the petition. No petition for rehearing or reconsideration filed more than twenty days after such decision, nor any proceedings on such petition shall operate to extend the period of sixty days provided in this section. If a defeated party to an interference has taken an appeal to the U. S. Court of Customs and Patent Appeals and an adverse party has filed notice that he elects to have all further proceedings conducted under 35 U. S. C. 146 (§ 1.303 (c)), the time for filing a civil action thereafter is specified in 35 U. S. C. 141.

(b) In the case of decisions of the Board of Appeals and Board of Patent Interferences, and decisions on appeal to the Commissioner in trade-mark cases, rendered prior to January 1, 1953, the time for appeal or for filing a civil action is the time specified in the statute and rules in effect immediately prior to January 1, 1953.

39. Section 1.305 (Patent Rule 305) is proposed to be amended by changing the section number to § 1.303 and the text to read:

§ 1.303 *Civil action under 35 U. S. C. 145, 146.* (a) Any applicant dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U. S. Court of Customs and Patent Appeals (§ 1.301), have remedy by civil action under 35 U. S. C. 145 and 146 respectively. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case has taken an appeal to the U. S. Court of Customs and Patent Appeals, he thereby waives his right to proceed under 35 U. S. C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U. S. Court of Customs and Patent Appeals, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he elects to have all further proceedings conducted as provided in 35 U. S. C. 146, certified copies of such notices will be transmitted to the U. S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 1.248.

40. Section 1.314 (Patent Rule 314) is proposed to be amended by changing "one month" in the second sentence to 'five weeks" and by changing "fourth" in the last sentence to "fifth".

41. Section 1.321 (Patent Rule 321) is proposed to be amended to read as follows:

§ 1.321 *Statutory disclaimer in patent.* (a) A disclaimer under 35 U. S. C. 253 must comply with the requirements of the statute and must also identify the patent and the claim or claims subject to the disclaimer, and be signed by the person making the disclaimer, who shall state therein the extent of his interest in the patent. Such disclaimers are not examined except as to formal matters,

but a disclaimer observed not to be a disclaimer in fact may be refused, and the recording of a disclaimer does not indicate that it is considered by the Patent Office to be proper or valid or that the patent after disclaimer, or any claim thereof, is considered valid. A notice of the disclaimer is published in the Official Gazette and attached to the printed copies of the specification.

(b) In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted. (See § 1.21 for fee for disclaimer.)

42. Section 1.322 (Patent Rule 322) is proposed to be amended by canceling ", with the consent of the patentee (or assignee of record, if any)", in paragraph (b).

43. Section 1.323 (Patent Rule 323) is proposed to be amended to read as follows:

§ 1.323 *Certificate of correction of applicant's mistake.* Whenever a mistake of a clerical or typographical nature or of minor character which was not the fault of the Office, appears in a patent and a showing is made that such mistakes occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, which shall be endorsed on the patent itself, if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.

44. A new § 1.324 (Patent Rule 324) is proposed, reading as follows:

§ 1.324 *Correction of error in joining inventor.* Whenever a patent is issued and it appears that there was a misjoinder or non-joinder of inventors and that such joinder or omission occurred by error and without deceptive intention, the Commissioner may, on application of all the parties and the assignees and proof of the facts, or on order of a court before which such matter is called in question, issue a certificate deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent.

45. A new § 1.325 (Patent Rule 325) is proposed, reading as follows:

§ 1.325 *Other mistakes not corrected.* Mistakes other than those provided for in §§ 1.322, 1.323, and 1.324, and not affording legal grounds for reissue will not be corrected after the date of the patent.

46. Section 100.16 (Trade-Mark Rule 1.6) is proposed to be amended to read as follows:

§ 100.16 *Times for taking action; expiration on Saturday, Sunday or holiday.* Whenever periods of time are specified in this part in days, calendar days are intended unless otherwise indicated. When the day, or the last day, fixed by statute or by or under this part for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday.

47. Sections 100.262 and 100.263 (Trade-Mark Rules 26.2 and 26.3) are proposed to be amended by adding the following paragraph to each:

Petition for rehearing or reconsideration must be filed within twenty days from the date of the decision.

48. Sections 1.13, 1.21, 1.42, 1.45, 1.67, 1.71, 1.75, 1.77, 1.84, 1.147, 1.154, 1.162, 1.164, 1.206, 1.207, 1.209, 1.216, 1.217, 1.226, 1.232, 1.233, 1.236, 1.241, 1.243, 1.247, 1.253, 1.254, 1.255, 1.256, 1.258, 1.259, 1.277, 1.282, 1.301, 1.311, 1.322, 1.331, 100.46, 100.264 (Patent Rules 13, 21, 42, 45, 67, 71, 75, 77, 84, 147, 154, 162, 164, 206, 207, 209, 216, 217, 226, 232, 233, 236, 241, 243, 247, 253, 254, 255, 256, 258, 259, 277, 282, 301, 311, 322, 331, Trade-Mark Rules 4.6, 26.4) are also proposed to be amended by changing citations of statutes to agree with the new patent act (Public Law 593, approved July 19, 1952, chapter 950, 66 Stat. 792), by changing references to other rules to agree with revisions in the rules, by changing words or phrases to agree with corresponding words or phrases as used in the new patent act, or by clarifying language in some instances.

[SEAL] JOHN A. MARZALL,
Commissioner of Patents.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9389; Filed, Aug. 26, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 3229, Amdt.]

DISCLOSURE OR USE OF CONFIDENTIAL RECORDS AND INFORMATION

By virtue of the authority vested in me by section 161 of the Revised Statutes of the United States (5 U. S. C. 22) Order No. 3229 of the Attorney General dated May 2, 1939 (11 F. R. 4920), is hereby amended by adding at the end thereof the following paragraph:

This order shall extend to prohibit testimony except in the discretion of the Attorney General, or the Deputy Attorney General or an Assistant Attorney General acting for the Attorney General, by any former officer or employee of the Federal Bureau of Investigation in any court of law, divulging information obtained or received by such person solely by reason of his office or official position in such Bureau.

JAMES P. MCGRANERY,
The Attorney General.

AUGUST 20, 1952.

[F. R. Doc. 52-9421; Filed, Aug. 26, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 5, Amdt. 1]

CENTRAL AND FIELD ORGANIZATION

BUREAU OF SAFETY REGULATION

The Civil Aeronautics Board amends Public Notice PN 5, dated April 15, 1952, in order to conform with the current organizational structure, as follows:

By amending the entire section 5, "Bureau of Safety Regulation," to read as follows:

BUREAU OF SAFETY REGULATION

SEC. 5.1 *Director.* The office of the Director is responsible for directing and co-ordinating the three divisions which are engaged in the following primary activities: developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Co-ordinating Committee and requiring Board action. The Bureau of Safety Regulation is composed of the following organizational units:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.

SEC. 5.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research of transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 5.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amend-

ments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research of the airworthiness aspects of aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 5.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: the certification of pilots (students, private, and commercial) mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, air traffic rules, airmen schools and repair stations, and the transportation of explosives and other dangerous articles; conducts technical research of nontransport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 5.5 *Activities common to all divisions.* Each division, within its own area of specialization, participates in the development of related international standards as prescribed by the International Civil Aviation Organization and modifies United States standards and practices as may be necessary to conform to the international standards; represents the United States at meetings of the Technical Division of the International Civil Aviation Organization, Air Navigation Commission and at other meetings concerned with matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety Regulation and analyzes the results of these meetings and co-ordinates standards and recommends practices adopted by the International Civil Aviation Organization within the Civil Air Regulations; prepares the United States position on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other divisions of the Air Coordinating Committee in preparation of the United States position on matters in which the Board has a secondary or indirect interest; and continually examines manuals and other related materials implementing the Civil Air Regulations to ensure their proper interpretation and application.

Effective date: June 27, 1952.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9427; Filed, Aug. 26, 1952; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10193]

HEART OF THE BLACK HILLS STATION

ORDER CONTINUING HEARING

In re application of John Daniels, Eli Daniels and Harry Daniels d/b as the Heart of the Black Hills Station, Rapid City, South Dakota; for modification of construction permit; Docket No. 10193, File No. BMP-5661.

The Commission having under consideration a motion filed August 15, 1952, by John Daniels, Eli Daniels and Harry Daniels, doing business as the Heart of the Black Hills Station, Rapid City, South Dakota, for an indefinite continuance of the hearing on the above-entitled application now scheduled for September 22, 1952, in Washington, D. C.; and

It appearing that one of the issues in this proceeding relates to the coverage of the City of Rapid City, South Dakota; that applicant has now received permission from the Commission to take measurements from its present site to determine whether or not the city may be covered therefrom in accordance with the Standards or, if not, what portion of the city may be covered from that location; that these tests will be run in the next 60 days; that, if said tests establish that the conductivity is such that the city would be covered if the applicant operates as proposed at that location, the applicant will then file an application for reconsideration and grant; that, if the measurements which establish conductivity indicate that the city cannot be covered as required by the Standards, applicant will then seek another site and present an appropriate amendment therefor; that, in either event, a hearing on the application as presently scheduled would not conduce to the dispatch of the Commission's business or to the ends of justice and that additional time will be necesary to afford the applicant the opportunity to take said measurements and other steps as aforesaid and the applicant is unable to state specifically how much time would be required and has, therefore, requested an indefinite continuance; and

It appearing further that there are no other parties to this proceeding and that the Chief of the Broadcast Bureau of the Commission has no objection to a 90-day continuance of the hearing in this proceeding but objects to an indefinite continuance thereof; that, in view of the objections of the Broadcast Bureau to an indefinite continuance, movant has advised the Examiner that a 90-day continuance would be acceptable to applicant; that such a continuance of the hearing in this proceeding would conduce to the dispatch of the Commission's business and to the ends of justice;

It is ordered, This 15th day of August, 1952, that the motion for continuance is granted in part; and the hearing on the above-entitled application now scheduled for September 22, 1952, is continued to Monday, December 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9410; Filed, Aug. 26, 1952; 8:48 a. m.]

[Change List No. 71]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 1, 1952.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Radiation	Time designation	Class	Probable date to commence operation
			570 kilocycles			
CHGB.....	Ste. Anne de la Pocatiere, Quebec (delete, vide 1350 kc [1])	1	DA-N	U	III	
New.....	Edmundston, New Brunswick.....	1	DA-N	U	III	Aug. 1, 1953.
			590 kilocycles			
New.....	Jonquiere, Quebec.....	1	DA-1	U	III	Do.
			1170 kilocycles			
CFNS.....	Saskatoon, Saskatchewan (change in call from CHBD).	1	DA-1	U	II	
			1230 kilocycles			
CFRG.....	Gravelbourg, Saskatchewan.....	0.25	ND	U	IV	Now in operation.
CFYT.....	Dawson, Yukon Territory.....	0.25	ND	U	IV	Immediate.
			1400 kilocycles			
CFYT.....	Dawson, Yukon Territory (delete, vide 1230 kc.).	0.25	ND	U	IV	

[1] FCC NOTE: See Annex 3 to NARBA, Washington, 1950, for particulars of assignment on 1230 kc.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9411; Filed, Aug. 26, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1856]

SOUTH JERSEY GAS CO.

NOTICE OF ORDER DISALLOWING PROPOSED INCREASED RATES AND DISMISSING PROCEEDING

AUGUST 21, 1952.

Notice is hereby given that on August 20, 1952, the Federal Power Commission issued its order entered August 19, 1952, disallowing proposed increased rates and dismissing proceeding in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9379; Filed, Aug. 26, 1952; 8:45 a. m.]

[Project No. 236]

TOWN OF MONTICELLO, UTAH

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR); DISMISSING APPLICATIONS FOR AMENDMENT OF LICENSE; RESCINDING PRIOR ORDER

AUGUST 21, 1952.

Notice is hereby given that on August 20, 1952, the Federal Power Commission issued its order entered August 19, 1952, accepting surrender of license (Minor); dismissing applications filed January 27, 1947; January 31, 1949; March 14, 1949, and June 2, 1949, for amendment of license; and rescinding order of January 24, 1950 (15 F. R. 607) authorizing amendment of license in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9380; Filed, Aug. 26, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2918]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF PROPOSED CAPITAL CONTRIBUTION BY HOLDING COMPANY TO SUBSIDIARY

AUGUST 21, 1952.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating section 12 (b) of the act and Rules U-23 and U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

GPU proposes to make a $200,000 cash capital contribution to its subsidiary Northern Pennsylvania Power Company ("North Penn"), which contribution will be credited by North Penn to the stated capital applicable to its common stock.

It is stated that this contribution will assist North Penn with its construction program; that in 1951 GPU made a similar cash contribution of $300,000; that later in 1952 or early in 1953 North Penn expects to issue approximately $500,000 principal amount of additional First Mortgage Bonds in furtherance of said construction program; that GPU's contributions aforesaid will supply the common capital component of the projected senior security financing.

Declarant states that no Commission other than this Commission has jurisdiction over the proposed transaction.

It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than September 8, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9387; Filed, Aug. 26, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 18]

COTTON CARDING MACHINERY AND PARTS

NOTICE OF INVESTIGATION

The United States Tariff Commission, on the 21st day of August 1952 under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 372..	Textile machinery, finished or unfinished, not specially provided for: Cotton carding machinery.
	Parts, not specially provided for, wholly or in chief value of metal or porcelain, of cotton carding machinery.

Inspection of application. An application for an investigation under section 7 with respect to cotton carding machinery classifiable under paragraph 372 of the Tariff Act of 1930, as modified, was filed August 12, 1952, in behalf of the American Textile Machinery Association, Whitinsville, Massachusetts. The application is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C. and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 21st day of August 1952.

Issued: August 22, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-9420; Filed, Aug. 26, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27331]

OCEAN-RAIL CLASS RATES BETWEEN THE EAST AND THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Involving: Class rates over ocean-rail routes on basis prescribed or approved in fourth supplemental report in docket 28300, decided May 19, 1952.

Between: North Atlantic ports and interior points in eastern seaboard territory, on the one hand, and New Orleans and Baton Rouge, La., Texas Gulf ports, and interior points in the Southwest, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-963; W. S. Jermain, Agent, I. C. C. Nos. 16 and 23; F. C. Kratzmeir, Agent, I. C. C. No. 4023; Newtex S. S. Corp., I. C. C. No. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9385; Filed, Aug. 26, 1952; 8:46 a. m.]

[4th Sec. Application 27332]

RUBBER TIRES FROM EASTHAMPTON, MASS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff I. C. C. No. 610.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic and parts, carloads.

From: Easthampton, Mass.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: I. N. Doe, Agent, I. C. C. No. 610, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9382; Filed, Aug. 26, 1952; 8:45 a. m.]

[4th Sec. Application 27333]

RUBBER TIRES FROM NEW HAVEN AND WEST HAVEN, CONN., TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff I. C. C. No. 610.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic and parts, carloads.

From: New Haven and West Haven, Conn.

To: Columbus and Macon, Ga., Dillon, S. C., Spray, N. C., and West Palm Beach, Fla.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; I. N. Doe, Agent, I. C. C. No. 610, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9383; Filed, Aug. 26, 1952; 8:46 a. m.]

[4th Sec. Application 27334]

PULPBOARD FROM FLORIDA ORIGINS TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of Fort Myers Southern Railroad Company, Tampa Southern Railroad Company, and Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpboard, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3281, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9384; Filed, Aug. 26, 1952; 8:46 a. m.]